



भारत का राजपत्र

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सं० 40]

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NEW DELHI, SATURDAY, OCTOBER 2, 1976/ASV NA 10, 1898

इस भाग में विभिन्न पृष्ठ संख्या की जाती है जिससे कि यह भाग संकलन के रूप में रखा जा सके
Separate paging is given to this Part in order that it may be filed as a separate compilation

भाग II—खण्ड 3—उप-खण्ड (ii)

PART II—Section 3—Sub-section (ii)

(रक्षा मंत्रालय को छोड़कर) भारत सरकार के मंत्रालयों और (संघ राज्यक्षेत्र प्रशासनों को छोड़कर)

केन्द्रीय प्राधिकारियों द्वारा जारी भिन्न एवं सांविधिक आदेश और अधिसूचनाएं

Statutory Orders and Notifications issued by the Ministries of the Government of India
(other than the Ministry of Defence) by Central Authorities
(other than the Administrations of Union Territories)

भारत निर्वाचन आयोग

नई दिल्ली, 10 सितम्बर, 1976

क्रा० भा० 3467.—लोक प्रतिनिधित्व अधिनियम, 1951 (1951 का 43) की धारा 22 की उप-धारा (1) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, निर्वाचन आयोग यह निदेश देता है कि तारीख 15 मार्च, 1975 की उसकी अधिसूचना सं० 434/कणा/75(2) में विम्व-लिखित संशोधन किए जाएंगे, अर्थात्:—

उक्त अधिसूचना से संलग्न सारणी के स्तम्भ 2 में,—

- मव सं० 24 के सामने, विद्यमान प्रविष्टि “4. नगरपालिका आयुक्त, शहर नगरपालिका परिषद्, गदाग बेवागेरी, गदाग” के स्थान पर, “4. राशनिंग अधिकारी, गदाग” प्रविष्टि रखी जाएगी;
- मद सं० 25 के सामने, विद्यमान प्रविष्टि “4. विशेष भूमि अर्ज अधिकार (III) मालाप्रभा परियोजना, सौदत्ती” के स्थान पर, “4. विशेष भूमि अर्जन अधिकार, 1, मालाप्रभा परियोजना, सौदत्ती” प्रविष्टि रखी जाएगी।

[सं० 434/कणाटक/76(2)]

बी० नागसुब्रमण्यन सचिव

ELECTION COMMISSION OF INDIA

New Delhi, the 10th September, 1976

S.O. 3467.—In exercise of the powers conferred by sub-section (1) of section 22 of the Representation of the People Act, 1951 (43 of 1951), the Election Commission hereby directs that the following amendments shall be made in its Notification No. 434/KT/75(2), dated 15 March, 1975, namely:—

In column 2 of the Table appended to the said notification,

- against item No. 24 for the existing entry “4 Municipal Commissioner, City Municipal Council, Gadag Batgeri, Gadag” the entry “4 Rationing Officer, Gadag” shall be substituted;
- against item No. 25 for the existing entry “4 Special Land Aquisition Officer; (iii) Malaprabha Project,” the entry “4 Special Land Aquisition Officer, I Malaprabha Project, Saudatti” shall be substituted.

[No. 434/KT/76(2)]

V. NAGASUBRAMANIAN, Secy.

विधि, न्याय और कम्पनी कार्य मंत्रालय**(कम्पनी कार्य विभाग)**

नई दिल्ली, 13 सितम्बर, 1976

का० आ० 3468.—एकाधिकार एवं निर्बंधनकारी व्यापार प्रथा अधिनियम, 1969 (1969 का 54) की धारा 6 की उप-धारा (1) के परस्त्वक के अन्तर्गत, न्यायाधीश श्री जे० एल० नैन ने पैमठ वर्ष की आयु हो जाने पर, 8 अगस्त, 1976 अपराह्न से, अध्यक्ष, एकाधिकार एवं निर्बंधनकारी व्यापार प्रथा आयोग के पद का कार्य-भार त्याग दिया।

[सं० पी० एफ० जी० (327)-सी०एल०ए०/73]

इन्द्रलाल नागपाल, अवसर सचिव

**MINISTRY OF LAW, JUSTICE & COMPANY AFFAIRS
(Department of Company Affairs)**

New Delhi, the 13th September, 1976

S.O. 3468.—Under the proviso to sub-section (1) of Section 6 of the Monopolies and Restrictive Trade Practices Act, 1969 (54 of 1969), Shri Justice J. L. Nain, on attaining the age of sixty five years, relinquished charge of the office of the Chairman, Monopolies and Restrictive Trade Practices Commission, on the afternoon of 8th August, 1976.

[No. PFG(327)-CIA/73]

I. L. NAGPAL, Under Secy.

नई दिल्ली, 18 सितम्बर, 1976

का० आ० 3469.—एकाधिकार एवं निर्बंधनकारी व्यापार प्रथा अधिनियम, 1969 (1969 का 54) की धारा 26 की उप-धारा (3) के अनुसरण में, केन्द्रीय सरकार एतद्वारा मैसर्स कारीगरी के कथित अधिनियम के अन्तर्गत पंजीकरण (पंजीकरण प्रमाण-पत्र संख्या 875/72) के निरस्तीकरण को अधिसूचित करती है।

[का० संख्या 2/17/76-एम-2]

एम० सी० वर्मा, उप सचिव

New Delhi, the 18th September, 1976

S.O. 3469.—In pursuance of sub-section (3) of Section 26 of the Monopolies and Restrictive Trade Practices Act, 1969 (54 of 1969), the Central Government hereby notifies the cancellation of the Registration of M/s. Karigari under the said Act (Certificate of Registration No. 875/72).

[F. No. 2/17/76-M. II]

M. C. VARMA, Dy. Secy.

(विधायी विभाग)

नई दिल्ली, 20 सितम्बर, 1976

का० आ० 3470.—केन्द्रीय सरकार, बरगाह ख्वाजा साहेब अधिनियम, 1955 (1955 का 36) की धारा 10 द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, राजस्थान सरकार से परामर्श करके, नाजिम को उक्त अधिनियम के अधीन अपने कर्तव्यों का निर्वहन करने हेतु सलाह देने के प्रयोजन के लिये और ऐसे अन्य प्रयोजनों के लिये, जो बरगाह समिति की उप विधियों में विनिर्दिष्ट किये जायें, एक वर्ष की अवधि के लिये, तुरन्त प्रभावशील रूप से, एक सलाहकार समिति गठित करती है, जिसमें निम्नलिखित व्यक्ति होंगे, अर्थात्:—

1. श्री सैयद अब्दुल बकी, हफीज मंजिल, चौक पन्नागढ़, अजमेर।
2. श्री राजा भलो खां, सेवानिवृत्त जिला और सेशन न्यायाधीश, बाट गेट, अजमेर।
3. श्री सैयद जैनुल आबेदीन, मज्जादा नशीन, दरगाह ख्वाजा साहेब, अजमेर।

4. श्री मोहम्मद अब्दुल हमीद खां, इन्दरकोट, अजमेर।
5. श्री अब्दुस करीम खल्लाह रक्खा, कैसरगंज, खल्लाह रक्खा भवन, अजमेर।
6. श्री खलीलुद्दीन गोरी, सेवानिवृत्त पुलिस अधीक्षक, अजमेर।
7. श्री इकरामुल हक, सेवानिवृत्त जिला न्यायाधीश, हक बिना, खजाने वालों का रास्ता, जयपुर।

[सं० 11(3)/76-वक्फ]

हसनूद्दीन अहमद, उप सचिव

(Legislative Department)

New Delhi, the 20th September, 1976

S.O. 3470.—In exercise of the powers conferred by section 10 of the Durgah Khawaja Saheb Act, 1955 (36 of 1955), the Central Government, in consultation with the Government of Rajasthan, hereby constitutes, with immediate effect, an Advisory Committee for a period of one year for the purpose of advising the Nazim in the discharge of his functions under the said Act and also for such other purpose as may be specified in the bye-laws of the Durgah Committee consisting of the following persons, namely:—

1. Shri Syed Abdul Baqui, Hafiz Manzil, Chowk Pannagarh, Ajmer.
2. Shri Raza Ali Khan, Retd. District and Session Judge, Ghat Gate, Ajmer.
3. Shri Syed Zainul Abedin, Sajjada Nashin, Dargah Khawaja Saheb, Ajmer.
4. Shri Mohd. Abdul Hameed Khan, Inderkot, Ajmer.
5. Shri Abdul Karim Allah Rakha, Qaisar Ganj, Allah Rakha Building, Ajmer.
6. Shri Khaliluddin Ghori, Retd. Superintendent of Police, Ajmer.
7. Shri Ikramul Haq, Retd. District Judge, Haq Villa, Khazane Walon ka Rasta, Jaipur.

[F. No. 11(3)/76-Wakf]

HASANUDDIN AHMED, Dy. Secy.

गृह मंत्रालय

नई दिल्ली, 18 सितम्बर, 1976

का० आ० 3471.—राष्ट्रपति, संविधान के अनुच्छेद 239 के खंड (1) के अनुसरण में निवेश देते हैं कि संघ राज्यक्षेत्र मिजोरम के प्रशासक, राष्ट्रपति के निर्वहन में रहते हुए और प्रागामी आदेशों तक, विधि विरुद्ध क्रियाकलाप (निवारण) अधिनियम, 1967 (1967 का 37) की धारा 7, 8 और 17 के अधीन केन्द्रीय सरकार की शक्तियों का प्रयोग और कर्तव्यों का निर्वहन भी करेंगे।

[III-14014/18/76-एम० ई०]

प्रमोद प्रकाश श्रीवास्तव, निदेशक

MINISTRY OF HOME AFFAIRS

New Delhi, the 16th September, 1976

S.O. 3471.—In pursuance of clause (1) of article 239 of the Constitution, the President hereby directs that the administrator of the Union Territory of Mizoram shall, subject to the control of the President and until further orders, also exercise the powers and discharge the functions of the Central Government under sections 7, 8 and 17 of the Unlawful Activities (Prevention) Act, 1967 (37 of 1967).

[III-14014/18/76-NE]

P. P. SHRIVASTAV, Director

वित्त मंत्रालय
(राजस्व और बैंकिंग विभाग)
(राजस्व पक्ष)
नई दिल्ली, 22 जुलाई, 1976
(आय-कर)

कां०आ० 3472.—केन्द्रीय सरकार, आयकर अधिनियम, 1961 (1961 का 43) की धारा 10 की उपधारा (23ग) के खण्ड (v) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, निर्धारण वर्ष (वर्षों) 1975-76 के लिये और से "कर्नाटक इन्टर डायोसेस एडमिनिस्ट्रेटिव फाइनेंस एण्ड प्रॉपर्टी बोर्ड, दि चर्च ऑफ साउथ इंडिया" को उक्त धारा के प्रयोजनार्थ अधिसूचित करती है।

[सं० 1400—फा० सं० 197/74/76-आई० टी० (ए1)]

MINISTRY OF FINANCE
(Department of Revenue & Banking)
(Revenue Wing)
New Delhi, the 22nd July, 1976
INCOME-TAX

S.O. 3472.—In exercise of the powers conferred by clause (v) of sub-section (23C) of section 10 of the Income-tax Act, 1961 (43 of 1961) the Central Government hereby notifies 'The Karnataka Inter Diocesan Administrative Finance and Property Board, the Church of South', for the purpose of the said section for and from the assessment year (s) 1975-76.

[No. 1400—F. No. 197/74/76-IT(AI)]

नई दिल्ली, 6 अगस्त, 1976

कां०आ० 3473.—सर्वसाधारण की जानकारी के लिए यह अधिसूचित किया जाता है कि निम्नलिखित संस्था को विहित प्राधिकारी सचिव, विज्ञान और प्रौद्योगिकी विभाग, नई दिल्ली द्वारा आयकर अधिनियम, 1961 की धारा 35 की उपधारा (1) के खण्ड (ii) के प्रयोजनार्थ, निम्नलिखित शर्तों की पूर्ति किए जाने के अधीन रहते हुए, अनुमोदित किया गया है :—

- (i) कृषि विज्ञान विश्वविद्यालय बंगलौर, कृषि/पशु-पालन/मीन-उद्योग और औषधि से भिन्न प्राकृतिक और अनुप्रयुक्त विज्ञान के क्षेत्र में वैज्ञानिक अनुसंधान करने के लिए उसे प्राप्त राशियों का पृथक लेखा रखेगा ;
- (ii) कृषि विज्ञान विश्वविद्यालय बंगलौर प्रत्येक वित्तीय वर्ष के लिए अपने वैज्ञानिक अनुसंधान क्रियाकलापों की वार्षिक विवरणियां, विहित प्राधिकारी को, ऐसे प्ररूपों में भेजेगा जो इस निमित्त अधिकृत किए जाएं और उसे संसूचित किए जाएं।

संस्था

कृषि विज्ञान विश्वविद्यालय, बंगलौर
यह अधिसूचना 4 जून, 1976 से प्रवृत्त होगी।

[सं० 1426—फा० सं० 203/77/76-आई० टी० ए० II]

New Delhi, the 6th August, 1976

S.O. 3474.—It is hereby notified for general information that the institution mentioned below has been approved by the Secretary, Department of Science & Technology, New Delhi the prescribed authority for the purposes of clause (ii) of sub-section (1) of Section 35 of the Income-tax Act, 1961, subject to the fulfilment of the following conditions :—

- (i) The University of Agricultural Sciences Bangalore, shall maintain a separate account of the sums received by them for undertaking scientific research in the area of natural and applied sciences, other than agriculture/animal husbandry/fisheries and medicines;

- (ii) The University of Agricultural Sciences, Bangalore will furnish the annual returns of their scientific research activities to the prescribed authority for every financial year in such forms as may be laid down and intimated to them for this purpose.

INSTITUTION

The University of Agricultural Sciences, Bangalore.
This notification takes effect from 4th June, 1976.

[No. 1426—F. No. 203/77/76-ITA. II]

कां०आ० 3474.—सर्वसाधारण की जानकारी के लिए यह अधिसूचित किया जाता है कि निम्नलिखित संस्था को, विहित प्राधिकारी सचिव, विज्ञान और प्रौद्योगिकी विभाग, नई दिल्ली द्वारा आयकर अधिनियम, 1961 की धारा 35 की उपधारा (1) के खण्ड (ii) के प्रयोजनार्थ, निम्नलिखित शर्तों की पूर्ति किए जाने के अधीन रहते हुए, अनुमोदित किया गया है :—

- (i) सड़क परिवहन संस्थान, मद्रास कृषि/पशु-पालन/मीन-उद्योग और औषधि से भिन्न प्राकृतिक और अनुप्रयुक्त विज्ञान के क्षेत्र में वैज्ञानिक अनुसंधान करने के लिए उसे प्राप्त राशियों का पृथक लेखा रखेगा ;
- (ii) सड़क परिवहन संस्थान, मद्रास प्रत्येक वित्तीय वर्ष के लिए अपने वैज्ञानिक अनुसंधान क्रियाकलापों की वार्षिक विवरणियां विहित प्राधिकारी को, ऐसे प्ररूपों में भेजेगा जो इस निमित्त अधिकृत किए जाएं और उसे संसूचित किए जाएं।

संस्था

सड़क परिवहन संस्थान, मद्रास
यह अनुमोदन 9-4-1976 से 4-8-1979 तक तीन वर्ष की अवधि के लिए विधिमान्य रहेगा।

[सं० 1429—फा० सं० 203/62/76-आई० टी० ए० II]

टी०पी० ज़ुनज़ुनवाला, उपसचिव

S.O. 3474.—It is hereby notified for general information that the institution mentioned below has been approved by the Secretary, Department of Science & Technology, New Delhi the prescribed authority for the purposes of clause (ii) of sub-section (1) of Section 35 of the Income-tax Act, 1961, subject to the fulfilment of the following conditions :—

- (i) The Institute of Road Transport, Madras, shall maintain a separate account of the sums received by them for undertaking scientific research in the areas of natural and applied sciences, other than agriculture/animal husbandry/fisheries and medicines.
- (ii) The Institute of Road Transport, Madras will furnish the Annual Returns of their scientific research activities to the prescribed authority for every financial year in such forms as may be laid down and intimated to them for this purpose.

INSTITUTION

The Institute of Road Transport, Madras.

This approval will be valid for a period of three years with effect from 9-4-1976 to 8-4-1979.

[No. 1429—F. No. 203/62/76-ITA. II]

T. P. JHUNJHUNWALA, Dy. Secy.

(बैंकिंग पक्ष)

नई दिल्ली, 4 सितम्बर, 1976

कां०आ० 3475.—वैजकारी विनियमन अधिनियम, 1949 (1949 का 19) की धारा 18 और धारा 24 की उपधारा (2क) के साथ पड़ित धारा 56 द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, केन्द्रीय सरकार उक्त अधिनियम की

धारा 18 और धारा 24 की उपधारा (2क) के प्रयोजनों के लिये, एतद्-
द्वारा निम्नलिखित बैंकों को अधिसूचित करती है, अर्थात् :—

1. सेंट्रल बैंक आफ इंडिया, बम्बई।
2. बैंक आफ इंडिया, बम्बई।
3. पंजाब नेशनल बैंक, नई दिल्ली।
4. बैंक आफ बड़ोदा, बम्बई।
5. यूनाइटेड कामर्शियल बैंक, कलकत्ता।
6. कैनरा बैंक, बंगलौर।
7. यूनाइटेड बैंक आफ इंडिया, कलकत्ता।
8. देना बैंक, बम्बई।
9. सिंडिकेट बैंक, मणीपाल।
10. यूनियन बैंक आफ इंडिया, बम्बई।
11. इलाहाबाद बैंक, कलकत्ता।
12. इंडियन बैंक, मद्रास।
13. बैंक आफ महाराष्ट्र, पूना।
14. इंडियन ओवरसीज बैंक, मद्रास।

[सं० एक० 8-17/75-ए० सी०]

(Banking Wing)

New Delhi, the 4th September, 1976

S.O. 3475.—In exercise of the powers conferred by section 56, read with section 18 and sub-section (2A) of section 24 of the Banking Regulation Act, 1949 (10 of 1949), the Central Government hereby notifies for the purposes of the said section 18 and the said sub-section (2A) of section 24 of the said Act, the following banks namely :—

1. Central Bank of India, Bombay.
2. Bank of India, Bombay.
3. Punjab National Bank, New Delhi.
4. Bank of Baroda, Bombay.
5. United Commercial Bank, Calcutta.
6. Kanera Bank, Bangalore.
7. United Bank of India, Calcutta.
8. Dena Bank, Bombay.
9. Syndicate Bank, Manipal.
10. Union Bank of India, Bombay.
11. Allahabad Bank, Calcutta.
12. Indian Bank, Madras.
13. Bank of Maharashtra, Poona.
14. Indian Overseas Bank, Madras.

[No. F. 8-17/75-AC]

नई दिल्ली, 13 सितम्बर, 1976

का० आ० 3476.—बैंककारी विनियमन अधिनियम, 1949 (1949 का 10) की धारा 56 के साथ पठित धारा 53 द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, केन्द्रीय सरकार भारतीय रिजर्व बैंक की सिफारिश पर, एतद्द्वारा घोषणा करती है कि उक्त अधिनियम की धारा 11 की उपधारा (1) के उपबन्ध 30 सितम्बर, 1974 से 28 फरवरी, 1977 तक की अवधि के लिए "नौगांव सेंट्रल कोऑपरेटिव बैंक लिमिटेड" नौगांव, पर लागू नहीं होंगे।

[संख्या एक० 8/11/76-ए० सी०]

New Delhi, the 13th September, 1976

S.O. 3476.—In exercise of the powers conferred by Section 53 read with Section 56 of the Banking Regulation Act, 1949 (10 of 1949), the Central Government, on the recommendation of the Reserve Bank of India, hereby declares that the provisions of sub-section (1) of Section 11 of the said Act shall not apply to the Nowgong Central Co-operative Bank Limited., Nowgong, Assam State for the period from 30th September, 1974 to 28th February, 1977.

[No. F. 8/11/76-AC]

का० आ० 3477.—बैंककारी विनियमन अधिनियम, 1949 (1949 का 10) की धारा 56 के साथ पठित धारा 53 द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, केन्द्रीय सरकार, भारतीय रिजर्व बैंक की सिफारिश पर, एतद्द्वारा घोषणा करती है कि उक्त अधिनियम की धारा 11 की उपधारा (1) के उपबन्ध 1 मार्च, 1976 से 28 फरवरी, 1977 तक की अवधि के लिए "सिबसागर डिस्ट्रिक्ट सेंट्रल कोऑपरेटिव बैंक लिमिटेड" जोरहाट, पर लागू नहीं होंगे।

[सं० एक० 8/11/76-ए० सी०]

S.O. 3477.—In exercise of the powers conferred by Section 53 read with Section 56 of the Banking Regulation Act, 1949 (10 of 1949), the Central Government, on the recommendation of the Reserve Bank of India, hereby declares that the provisions of sub-section (1) of Section 11 of the said Act shall not apply to the Sibsagar District Central Co-operative Bank Ltd., Jorhat for the period from 1st March, 1976 to 28th February, 1977.

[No. F. 8/11/76-AC]

का० आ० 3478.—बैंककारी विनियमन अधिनियम, 1949 (1949 का 10) की धारा 56 के साथ पठित धारा 53 द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, केन्द्रीय सरकार भारतीय रिजर्व बैंक की सिफारिश पर, एतद्द्वारा घोषणा करती है कि उक्त अधिनियम की धारा 11 की उपधारा (1) के उपबन्ध 31 मार्च, 1975 से 8 जुलाई, 1975 तक की अवधि के लिए "गोहाटी सहकारी ग्रहण बैंक लिमिटेड", गोहाटी पर लागू नहीं होंगे।

[संख्या एक० 8/11/76-ए० सी०]

S.O. 3478.—In exercise of the powers conferred by Section 53 read with Section 56 of the Banking Regulation Act, 1949 (10 of 1949), the Central Government, on the recommendation of the Reserve Bank of India, hereby declares that the provisions of sub-section (1) of Section 11 of the said Act shall not apply to the Gauhati Co-operative Urban Bank Ltd., Gauhati for the period from 31st March, 1975 to 8th July, 1975.

[No. F. 8/11/76-AC]

का० आ० 3479.—बैंककारी विनियमन अधिनियम, 1949 (1949 का 10) की धारा 56 के साथ पठित धारा 53 द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, केन्द्रीय सरकार, भारतीय रिजर्व बैंक की सिफारिश पर, एतद्द्वारा घोषणा करती है कि उक्त अधिनियम की धारा 11 की उपधारा (1) के उपबन्ध 1 मार्च, 1976 से 28 फरवरी, 1977 तक की अवधि के लिए "डिब्रूगढ़ सेंट्रल कोऑपरेटिव बैंक लिमिटेड" डिब्रूगढ़, पर लागू नहीं होंगे।

[संख्या एक० 8/11/76-ए० सी०]

S.O. 3479.—In exercise of the powers conferred by Section 53 read with Section 56 of the Banking Regulation Act, 1949 (10 of 1949), the Central Government, on the recommendation of the Reserve Bank of India, hereby declares that the provisions of sub-section (1) of Section 11 of the said Act shall not apply to Dibrugarh Central Co-operative Bank Ltd., Dibrugarh for the period from 1st March, 1976 to 28th February, 1977.

[No. F. 8/11/76-AC]

नई दिल्ली, 18 सितम्बर, 1976

का० आ० 3480.—बैंककारी विनियमन अधिनियम, 1949 (1949 का 10) की धारा 53 द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, केन्द्रीय सरकार, रिजर्व बैंक आफ इंडिया की सिफारिश पर एतद्द्वारा घोषित करती है कि पहली जुलाई, 1976 से प्रारम्भ होकर, 27 सितम्बर, 1978 को समाप्त होने वाली अवधि के दौरान :—

- (क) उक्त अधिनियम की धारा 10 की उपधारा (1) के खण्ड
- (ग) के उपखण्ड (I) और (II) के उपबन्ध नीचे लिखे

बैंकों के मामलों में वहां तक लागू नहीं होंगे जहां तक कि वे उपबन्ध कथित बैंकों का प्रबन्ध उन व्यक्तियों द्वारा किये जाने का प्रतिषेध करते हैं, जोकि कम्पनी अधिनियम 1956 (1956 का 1) के अधीन एक पंजीकृत कम्पनी "कृषिक वित्त निगम लि०" के निदेशक हैं ; और

(ख) उक्त अधिनियम की धारा 19 की उपधारा (3) के उपबन्ध नीचे लिखे बैंकों के मामलों में वहां तक लागू नहीं होंगे जहां तक वे उपबन्ध उक्त बैंकों के उपर्युक्त "कृषिक वित्त निगम लि०" के शेयर धारण करने का प्रतिषेध करते हैं।

क्रम सं० बैंक का नाम

1. केनरा बैंक
2. इंडियन बैंक

[सं० एफ० 13/3/76-ए० सी०]

वी० एन० बहादुर, उप सचिव

S.O. 3480.—In exercise of the powers conferred by section 53 of the Banking Regulation Act, 1949 (10 of 1949), the Central Government, on the recommendation of the Reserve Bank of India, hereby declares that, during the period commencing on the 27th September, 1976 and ending with the 30th June, 1978.

(a) the provisions of sub-clauses (i) and (ii) of clause (c) of sub-section (1) of section 10 of the said Act shall not apply to the undermentioned banks in so far as the said provisions prohibit the said banks from being managed by persons who are directors of the Agricultural Finance Corporation Limited, a company registered under the Companies Act, 1956 (1 of 1956); and

(b) the provisions of sub-section (3) of section 19 of the said Act shall not apply to undermentioned banks, in so far as the said provisions prohibit the said banks from holding shares in the said Agricultural Finance Corporation Limited.

Sr. No. Name of the Bank

1. Canara Bank
2. Indian Bank

[No. F. 13/3/76-AC]

V. N. BAHADUR, Dy. Secy.

नई दिल्ली, 15 सितम्बर, 1976

का०शा० 3481.—औद्योगिक वित्त निगम अधिनियम 1948 (1948 का 15) की धारा 10 की उपधारा (1) के खण्ड (ख) के अनुसरण में केन्द्रीय सरकार, राजस्व और बैंकिंग विभाग (बैंकिंग पक्ष) के संयुक्त सचिव, श्री एम० इंदुपाणि को श्री एम० के० वेकटाचलम के स्थान पर, भारतीय औद्योगिक वित्त निगम के निदेशक के रूप में, एतद्वारा नामित करती है।

[सं० एफ० 2(50) आई०एफ० 1/76]

विजय पिंगलू, निदेशक

New Delhi, the 15th September, 1976

S.O. 3481.—In pursuance of clause (b) of sub-section (1) of section 10 of the Industrial Finance Corporation Act, 1948 (15 of 1948) the Central Government hereby nominates Shri M. Dandapani, Joint Secretary, Department of Revenue and Banking (Banking Wing), as a Director of the Industrial Finance Corporation of India vice Shri M. K. Venkatachalam.

[No. F. 2(50) IF. 1/76]

V. K. SHUNGLU, Director

आदेश

नई दिल्ली, 16 सितम्बर, 1976

का०शा० 3482.—भारतीय स्टेट बैंक अधिनियम, 1955, (1955 का 23) की धारा 33 के खण्ड (21) द्वारा प्रदत्त शक्तियों का प्रयोग

करते हुए, केन्द्रीय सरकार, रिज़र्व बैंक से परामर्श करके और केन्द्रीय बोर्ड की सिफारिश पर, भारतीय स्टेट बैंक को, समाज के आर्थिक रूप से प्रवेक्ष्यता कमजोर वर्गों को गृह-निर्माण योजनाओं के लिए वित्तीय सहायता प्रदान करने के कारोबार के लिए, एतद्वारा प्राधिकृत करती है।

[सं० एफ० 11/3/76-बी० ओ० I]

ज० वा० मीरचन्दाणी, अवसर सचिव

ORDER

New Delhi, the 16th September, 1976

S.O. 3482.—In exercise of the powers conferred by clause (xxi) of section 33 of the State Bank of India Act, 1955 (23 of 1955), the Central Government, in consultation with the Reserve Bank and on the recommendation of Central Board, hereby authorises the State Bank of India to do the business of granting financial assistance for housing schemes for the economically weaker sections of the community.

[No. F. 11/3/76-BO. I]

C. W. MIRCHANDANI, Under Secy.

नई दिल्ली, 16 सितम्बर, 1976

का०शा० 3483.—क्षेत्रीय ग्रामीण बैंक अधिनियम, 1976 (1976 का 21) की धारा 11 की उपधारा (1) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए केन्द्रीय सरकार, श्री बी० एन० राय को भगीरथ ग्रामीण बैंक का अध्यक्ष नियुक्त करती है तथा 16 सितम्बर, 1976 से आरम्भ होकर 31 मार्च, 1977 को समाप्त होने वाली अवधि को उस अवधि के रूप में निर्धारित करती है जिसमें उक्त श्री बी० एन० राय, अध्यक्ष के रूप में कार्य करेंगे।

[सं० एफ० 4-58/76-ए० सी०]

सी० आर० बिश्वास, उप सचिव

New Delhi, the 16th September, 1976

S.O. 3483.—In exercise of the powers conferred by sub-section (1) of section 11 of the Regional Rural Banks Act, 1976 (21 of 1976), the Central Government hereby appoints Shri B. N. Rai as the Chairman of the Bhagirath Gramin Bank, Sitapur and specifies period commencing on the 16th September, 1976 and ending with the 31st March, 1977 as the period for which the said Shri B. N. Rai shall hold office as such chairman.

[No. F. 4-58/76-AC]

C. R. BISWAS, Dy. Secy.

(आर्थिक कार्य विभाग)

नई दिल्ली, 6 सितम्बर, 1976

का०शा० 3484.—भारत सरकार, गृह मंत्रालय की 16 मई, 1975 की अधिसूचना संख्या सा० आ० 208 (ई) के अनुसरण में केन्द्रीय सरकार यह अधिसूचित करती है कि बैच-निविदा (अन्तर्लिखित नोट) अधिनियम, 1964 (1964 का 28) 16 अगस्त, 1976 से सिक्किम राज्य में लागू है।

[संख्या एफ० 4/25/75-करेसी]

एल० के० मल्होत्रा, अवसर सचिव

(Deptt. of Economic Affairs)

New Delhi, the 6th September, 1976

S.O. 3484.—In pursuance of the notification of the Government of India in the Ministry of Home Affairs No. S.O. 208(E), dated the 16th May, 1975, the Central Government hereby appoint the 16th day of August, 1976, as the date on which the Legal Tender (Inscribed Notes) Act, 1964 (28 of 1964), shall come into force in the State of Sikkim.

[No. F. 4/25/75-CY]

L. K. MALHOTRA, Under Secy.

भारतीय रिजर्व बैंक
(बैंकिंग परिचालन और विकास विभाग)

बम्बई, 7 सितम्बर, 1976

का० आ० 3485.—भारतीय रिजर्व बैंक अधिनियम, 1934 (1934 का 2) की धारा 42 की उपधारा (7) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए भारतीय रिजर्व बैंक एतद्वारा क्षेत्रीय ग्रामीण बैंक अधिनियम 1976 (1976 की सं० 21) के अधीन गठित सभी क्षेत्रीय ग्रामीण बैंकों की धारा 42 की उपधारा (1) के परचुक के उपबंधों से 2 अक्टूबर, 1976 से प्रारंभ होने वाली और एक वर्ष की अवधि के लिये छूट देता है।

[डीबीओडी सं. आरआरबी 460/सी 4-76]

के० एस० कृष्णस्वामी, उप गवर्नर

RESERVE BANK OF INDIA

(Central Office)

(Department of Banking Operations & Development)

Bombay, the 7th September, 1976

S.O. 3485.—In exercise of the powers conferred by sub-section (7) of section 42 of the Reserve Bank of India Act, 1934 (2 of 1934) the Reserve Bank of India hereby exempts all Regional Rural Banks constituted under the Regional Rural Banks Act, 1976 (No. 21 of 1976) from the provisions of the proviso to sub-section (1) of section 42 for a further period of one year commencing from the 2nd October, 1976.

[DBOD. No. RRB. 460/C11, 4-76]

K. S. KRISHNASWAMI, Dy. Governor

(केन्द्रीय प्रत्यक्ष कर बोर्ड)

आदेश

नई दिल्ली, 28 जुलाई, 1976

आय-कर

का०आ० 3486.—आय-कर अधिनियम, 1961 (1961 का 43) की धारा 269 बी की उप धारा (1) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए केन्द्रीय प्रत्यक्ष कर बोर्ड दिनांक 6 फरवरी 1973 के समय-समय पर यथा संशोधित आदेश सं० 4 का०सं० 328/111/72-धन-कर में निम्नलिखित संशोधन करता है।

क्रम संख्या 14(बी) के सामने उल्लिखित स्तम्भ 3 के अन्तर्गत वर्तमान प्रविष्टियां निम्नलिखित प्रविष्टियों द्वारा प्रतिस्थापित होंगी :—

सारणी

1	2	3
14(बी)	निरीक्षी सहायक आय-कर लखनऊ एवं इलाहाबाद के आय-कर, अधिग्रहण रेंज, लखनऊ	आय-कर आयुक्तों के अधिकार-क्षेत्र के भीतर आने वाले क्षेत्र

यह आदेश 2 अगस्त, 1976 से लागू होगा।

[सं० 74/76/का०सं० 316/154/76-धन-कर]

(Central Board of Taxes)

ORDER

New Delhi, the 28th July, 1976

INCOME-TAX

S.O. 3486.—In exercise of the powers conferred by sub-section (1) of section 269(B) of the Income-tax Act, 1961 (43 of 1961), the Central Board of Direct Taxes makes the following amendments to the order No. 4 F. No. 328/111/72-WT, dated 6th February, 1973 as amended from time to time.

Existing entries under column 3 against Sl. No. 14(B), shall be substituted by the following entries:—

TABLE

1	2	3
14(B)	Inspecting Assistant Commissioner of Income-tax, Acquisition Range, Lucknow.	Area comprised within the jurisdiction of Commissioners of Income-tax, Lucknow and Allahabad.

This order shall come into force with effect from 2-8-1976.

[No. 74/76/F. No. 316/154/76-WT.]

का० आ० 3487.—आय-कर अधिनियम, 1961 (1961 का 43) की धारा 269 एफ की उप-धारा (6) के स्पष्टीकरण द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, केन्द्रीय प्रत्यक्ष कर बोर्ड दिनांक 22 जुलाई, 1974 के समय समय पर यथासंशोधित आदेश संख्या 60/का०सं० 328/137/74-धन-कर में निम्नलिखित संशोधन करता है।

क्रम संख्या 11 के सामने उल्लिखित स्तम्भ 2 एवं 3 के अन्तर्गत वर्तमान प्रविष्टियां निम्नलिखित प्रविष्टियों द्वारा प्रतिस्थापित होंगी :—

सारणी

1	2	3
11.	आय-कर आयुक्त, लखनऊ	निरीक्षी सहायक आय-कर आयुक्त अधिग्रहण रेंज, लखनऊ।

यह आदेश 2 अगस्त, 1976 से लागू होगा।

[सं० 75/76/का० सं० 316/154/76-धन-कर]

S.O. 3487.—In exercise of the powers conferred by the explanation to Sub-section (6) of Section 269F of the Income-tax Act, 1961 (43 of 1961), the Central Board of Direct Taxes makes the following amendment in the Order No. 60/F. No. 328/137/74-W.T., dated 22nd July, 1974 as amended from time to time.

Existing entries under columns 2 and 3 against serial No. 11 shall be substituted by the following entries:—

TABLE

1	2	3
11.	Commissioner of Income-tax, Lucknow.	Inspecting Assistant Commissioner of Income-tax, Acquisition Range, Lucknow.

This order shall come into force with effect from 2-8-1976.

[No. 75/76/F.No. 316/154/76-W.T.]

आदेश

नई दिल्ली, 4 अगस्त, 1976

का० आ० 3488.—आय-कर अधिनियम, 1961 (1961 का 43)

की धारा 269 एफ (6) की उप-धारा (6) के स्पष्टीकरण द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, और दिनांक 22 जुलाई, 1974 के आदेश सं० 60 का० सं० 328/137/74-धन-कर में आंशिक संशोधन, करते हुए केन्द्रीय प्रत्यक्ष कर बोर्ड, एतद्वारा विनिर्दिष्ट करता है कि इस आदेश के साथ संलग्न सारणी के स्तम्भ (2) में विनिर्दिष्ट आय-कर आयुक्त, उक्त सारणी के स्तम्भ (3) में लिखित तदनुकूपी प्रविष्टि में विनिर्दिष्ट सक्षम प्राधिकारी अथवा सक्षम प्राधिकारियों के बारे में आयुक्त होगा।

यह आदेश 5 अगस्त, 1976 से लागू होगा।

सारणी

1	2	3
1. आय-कर आयुक्त, मद्रास।	तमिलनाडु-III, निरीक्षी सहायक आय-कर आयुक्त अधिग्रहण रेंज I तथा II मद्रास	

[सं० 79/76-फा० सं० 316/165/76-धन-कर]

एच० एन० मण्डल, अवर सचिव

ORDER

New Delhi, the 4th August, 1976

S.O. 3488.—In exercise of the powers conferred by the Explanation to sub-section (6) of Section 269F(6) of the Income-tax Act, 1961 (43 of 1961) and in partial modification of order No. 60 F.No. 328/137/74-WT, dated 22nd of July, 1974, the Central Board of Direct Taxes hereby specifies that the Commissioner of Income-tax specified in column (2) of the Table appended to this order shall be the Commissioner in relation to the Competent Authority or Competent Authorities specified in the corresponding entry in column (3) of the said Table.

This order shall come into force on 5th August, 1976.

TABLE

(1)	(2)	(3)
1. Commissioner of Income-tax, Tamil Nadu-III, Madras.	Inspecting Assistant Commissioners of Income-tax, Acquisition Ranges I & II, Madras.	

[No. 79/76-F.No. 316/165/76-WT]

H. N. MANDAL, Under Secy.

नई दिल्ली, 14 जुलाई, 1976

आय-कर

का० भा० 3489.—आयकर अधिनियम, 1961 (1961 का 43) की धारा 121 की उपधारा (1) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, केन्द्रीय प्रत्यक्ष कर बोर्ड समय-समय पर यथासंशोधन अपनी अधिसूचना सं० 679 (फा० सं० 187/2/74-आईटी० (ए I)) से उपासब्ध अनुसूची में निम्नलिखित संशोधन करता है।

कम संख्या 1 और 1-क के सामने स्तंभ (1), (2) और (3) के अधीन विद्यमान प्रविष्टियों के स्थान पर निम्नलिखित प्रविष्टियाँ रखी जाएंगी :—

आय-कर आयुक्त	मुख्यालय	अधिकारिता
(1)	(2)	(3)
1. प्रभूतसर	प्रभूतसर	1. जिला-1, प्रभूतसर 2. जिला-2, प्रभूतसर 3. केन्द्रीय सफिल, प्रभूतसर 4. विशेष सफिल, प्रभूतसर 5. सम्पदा शुल्क-एवं-आय-कर सफिल, प्रभूतसर 6. गुरदासपुर 7. पठानकोट 8. श्रीनगर 9. सम्पदा शुल्क-एवं-आय-कर सफिल, श्रीनगर 10. जम्मू

(1)

(2)

(3)

1-क जालंधर

जालंधर

1. जिला-1, जालंधर

2. जिला-2, जालंधर

3. सम्पदा शुल्क-एवं-आय-कर सफिल, जालंधर

4. बटाला

5. होशियारपुर

6. फगवाड़ा

7. भटिन्डा

8. फिरोजपुर

9. मोगा

10. अंबोहर

यह अधिसूचना 15-7-1976 से प्रभावी होगी।

[सं० 1393 (फा० सं० 187/2/74-आई० टी० (ए I))]

एम० शास्त्री, अवर सचिव

New Delhi, the 14th July, 1976

(INCOME-TAX)

S.O. 3489.—In exercise of the powers conferred by sub-section (1) of section 121 of the Income-tax Act, 1961 (43 of 1961) the Central Board of Direct Taxes hereby makes the following amendments to the schedule appended to its notification No. 679 (F.No. 187/2/74-IT (AI)) as amended from time to time.

Existing entries under columns (1), (2) and (3) against S. Nos. 1 and 1-A shall be substituted by the following entries:—

Income-tax Commissioners	Headquarters	Jurisdiction
(1)	(2)	(3)
1. Amritsar	Amritsar	1. District-I, Amritsar. 2. District-II, Amritsar. 3. Central Circle, Amritsar. 4. Special Circle, Amritsar. 5. Estate Duty-cum-Income-tax Circle, Amritsar. 6. Gurdaspur. 7. Pathankot. 8. Srinagar. 9. Estate Duty-cum-Income-tax Circle, Srinagar. 10. Jammu.
1-A. Jullundur	Jullundur	1. District-I, Jullundur. 2. District-II, Jullundur. 3. Estate Duty-cum-Income-tax Circle, Jullundur. 4. Batala. 5. Hoshiarpur. 6. Phagwara. 7. Bhatinda. 8. Ferozepur. 9. Moga. 10. Abohar.

This notification shall take effect from 15-7-1976.

[No. 1393 (F.No. 187/2/74-IT (AI))]

M. SHASTRI, Under Secy.

MINISTRY OF COMMERCE

CORRIGENDUM

New Delhi, the 15th September, 1976

S.O. 3490.—The following amendment shall be made in schedule to Jute Commissioner's Calcutta Notification No. S. O. 558(E) dated the 20th August 1976 published in

Gazette of India, Extraordinary Part II, Section 3, Sub-section (ii) dated the 20th August 1976 :—

“Rs. 139.00” for “Rs. 129.00”

appearing in schedule-III-Mesta in Col. 8 against Bihar, Kishanganj Mesta.

[F. No. 7/7/75-Jute]

A. K. CHATTERJEE, Dy. Secy.

उद्योग और नागरिक पूर्ति मंत्रालय

(औद्योगिक विकास विभाग)

नई दिल्ली, 1 सितम्बर, 1976

कां० 3491.—कायर बोर्ड द्वारा कायर औद्योगिक अधिनियम, 1953 (1953 का 45) की धारा 27 द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, कायर बोर्ड कर्मचारी (आचरण) उपविधि, 1968 में, किए गए निम्नलिखित संशोधन जिनकी पुष्टि केन्द्रीय सरकार ने कर दी है, उक्त धारा की उप-धारा (2) की अपेक्षानुसार प्रकाशित किए जाते हैं, अर्थात् :

1. इन उपविधियों का नाम कायर बोर्ड कर्मचारी (आचरण) संशोधन उपविधि, 1976 है ।

2. कायर बोर्ड कर्मचारी (आचरण) उपविधि, 1968 में, उपविधि 13 के पश्चात् निम्नलिखित उपविधि अंतःस्थापित की जाएगी, अर्थात् :—

“13क दहेज :

कोई कर्मचारी—

(1) दहेज न तो लेगा या न लेगा या दहेज देने या लेने का कुप्रेरण नहीं करेगा;

(2) यथास्थिति, बंधू या बर के माता-पिता या संरक्षक से प्रत्यक्षतः या अप्रत्यक्षतः किसी दहेज की मांग नहीं करेगा ।

स्पष्टीकरण 1—इस उपविधि में ‘दहेज’ पद से अभिप्रेत है ऐसी कोई सम्पत्ति या मूल्यवान प्रतिभूति जो—

(क) विवाह के एक पक्षकार द्वारा विवाह के अन्य पक्षकार को; या

(ख) विवाह के किसी पक्षकार के माता-पिता द्वारा या अन्य किसी व्यक्ति द्वारा विवाह के किसी पक्षकार को या अन्य किसी व्यक्ति को;

उक्त पक्षकारों के विवाह के प्रति फलस्वरूप विवाह के समय या उसके पूर्व या उसके पश्चात् या तो प्रत्यक्षतः या अप्रत्यक्षतः दी गई है या जिसके दिए जाने के लिए सहमति दी गई है, किन्तु ऐसे व्यक्तियों की दशा में, जिन्हें मुस्लिम स्वीय विधि (शरियत) लागू होती है, डाकर या मेहर इसके अन्तर्गत नहीं आते ।

स्पष्टीकरण 2—शंकाओं के निवारण के लिए यह घोषित किया जाता है कि नकदी आभूषण, कपड़ों या अन्य वस्तुओं के रूप में विवाह के किसी एक पक्षकार को विवाह के समय दिए गए किसी उपहार को, इस उपविधि के अर्थ के अन्तर्गत तब तक दहेज नहीं समझा जाएगा, जब तक कि वे उक्त पक्षकारों के विवाह के प्रति फलस्वरूप नहीं दिए जाते ।

स्पष्टीकरण 3—“मूल्यवान प्रतिभूति” पद का वही अर्थ है, जो भारतीय दण्ड संहिता, (1960 का 450) की धारा 30 में दिया गया है ।”

[फा ० सं० 24(1)/76-आईसीओ (क्वायर)]

बी० आनन्द, उप सचिव

MINISTRY OF INDUSTRY AND CIVIL SUPPLIES
(Deptt. of Industrial Development)

New Delhi, the 1st September, 1976

S.O. 3491.—The following amendments to the Coir Board Employees (Conduct) Bye-laws, 1968, made by the Coir

Board, in exercise of the powers conferred by section 27 of the Coir Industry Act, 1953 (45 of 1953) and confirmed by the Central Government are hereby published, as required by sub-section (2) of the said section, namely :—

1. These Bye-laws may be called the Coir Board Employees (Conduct) Amendment Bye-laws, 1976.

2. In the Coir Board Employees (Conduct) Bye-laws, 1968, after Bye-law 13, the following Bye-law shall be inserted, namely :—

“13A. Dowry :

No employee shall—

(i) give or take or abet the giving or taking of dowry;

(ii) demand directly or indirectly, from the parents or guardian of a bride or bride-groom, as the case may be, any dowry.

Explanation 1.—In this Bye-law, the expression “dowry” means any property or valuable security given or agreed to be given either directly or indirectly—

(a) by one party to a marriage to the other party to the marriage; or

(b) by the parents of either party to a marriage or by any other person, to either party to the marriage or to any other person ;

at or before or after the marriage as consideration for the marriage of the said parties, but does not include dower or mahar in the case of persons to whom the Muslim Personal Law (Shariat) applies.

Explanation 2.—For the removal of doubts, it is hereby declared that any presents made at the time of a marriage to either party to the marriage in the form of each, ornaments, clothes or other articles, shall not be deemed to be dowry within the meaning of this Bye-law, unless they are made as consideration for the marriage of the said parties.

Explanation 3.—The expression “valuable security” has the same meaning as in section 30 of the Indian Penal Code (450 & 1860).”

[F. No. 24(1)/76-ICC(CoIr)]

V. ANAND, Dy. Secy.

नई दिल्ली, 18 सितम्बर, 1976

कां० 3492.—केन्द्रीय सरकार, पेटेंट अधिनियम, 1970 (1970 का 39) की धारा 159 द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, पेटेंट नियम, 1972 में कतिपय संशोधन करना चाहती है, जैसा कि उक्त धारा 159 की उपधारा (3) में अपेक्षित है, प्रस्तावित संशोधनों का निम्नलिखित प्रारूप उन सभी व्यक्तियों की जानकारी के लिए प्रकाशित किया जा रहा है जिनके उससे प्रभावित होने की संभावना है । इसके द्वारा सूचना दी जाती है कि उक्त प्रारूप पर इस अधिसूचना के राजपत्र में प्रकाशन की तारीख से एक मास पश्चात् विचार किया जाएगा ।

ऊपर विनिर्दिष्ट अधिधि की समाप्ति के पूर्व नियमों के उक्त प्रारूप की बाबत जो भी आपक्ष या सुझाव किसी व्यक्ति से प्राप्त होंगे, केन्द्रीय सरकार उन पर विचार करेगी ।

नियमों का प्रारूप

केन्द्रीय सरकार, पेटेंट अधिनियम, 1970 (1970 का 39) की धारा 159 द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, पेटेंट नियम, 1972 में संशोधन करने के लिए निम्नलिखित नियम बनाती है, अर्थात् :—

1. इन नियमों का नाम पेटेंट (द्वितीय संशोधन) नियम, 1976 है ।

2. पेटेंट नियम, 1972 में, नियम 90 के स्थान पर, निम्नलिखित नियम रखा जाएगा, अर्थात् :—

“90-वैज्ञानिक सलाहकारों की नामावली में श्रेष्ठ व्यक्तियों का समावेश—नियम 88 और 89 में किसी बात के होते हुए भी, नियंत्रक यदि उसकी यह राय हो कि किसी विशिष्ट विशेषज्ञता वाले विषय में किसी व्यक्ति की श्रेष्ठता या किसी क्षेत्र में उसके उत्कृष्ट योगदान के कारण, ऐसे व्यक्ति का नाम वैज्ञानिक सलाहकारों की नामावली में सम्मिलित किया जाना चाहिए, ऐसे व्यक्ति का नाम ऐसी नामावली में सम्मिलित कर सकेगा :

परन्तु ऐसे किसी व्यक्ति को वैज्ञानिक सलाहकारों की नामावली में तब तक सम्मिलित नहीं किया जाएगा, जब तक नियंत्रक ने ऐसे व्यक्ति को ऐसी नामावली में उसके नाम को सम्मिलित करने के अपने आशय की औपचारिक सूचना न दे दी हो और उस व्यक्ति ने ऐसे सम्मिलित किए जाने के लिए सहमति न दे दी हो।”

[का०सं० 18(16)/75-पी एण्ड सी]

एन०एल० मीना, अवर सचिव

New Delhi, the 18th September, 1976

S.O. 3492.—The following draft of certain rules to amend the Patents Rules, 1972, which the Central Government proposes to make in exercise of the powers conferred by section 159 of the Patents Act, 1970 (39 of 1970), is hereby published as required by sub-section (3) of the said section 159, for the information of all persons likely to be affected thereby, and notice is hereby given that the said draft will be taken into consideration after one month from the date of publication of this notification in the Official Gazette; any objections or suggestions which may be received from any person in respect of the said draft rules before the expiry of the period so specified will be considered by the Central Government.

DRAFT RULES

In exercise of the powers conferred by section 159 of the Patents Act, 1970, (39 of 1970), the Central Government hereby makes the following rules to amend the Patents Rules, 1972, namely :—

1. The rules may be called the Patents (2nd Amendment) Rules, 1976.

2. In the Patents Rules, 1972, for rule 90, the following rule shall be substituted, namely :—

“90. Inclusion of eminent persons in the roll of scientific advisers.—Notwithstanding anything contained in rules 88 and 89, the Controller may, if he is of opinion that by reason of the eminence of any person in a particular specialisation or of his outstanding contribution in any field, the name of such person should be included in the roll of scientific advisers, enter the name of such person in such roll :

Provided that no such person shall be included in the roll of scientific advisers unless the Controller has made a formal invitation to such person of his intention to include his name in such roll and the person had agreed to such inclusion.”

[F. No. 18(16)/75-P&C]

N. L. MINA, Under Secy.

आदेश

नई दिल्ली, 17 सितम्बर, 1976

का०आ० 3493.—उद्योग (विकास एवं विनियमन) अधिनियम, 1951 (1951 का 65) की धारा 6 द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए एवं विकास परिषद् (प्रक्रियात्मक) नियम, 1952 के नियम 2, 4 और 5 के साथ पढ़ते हुए केन्द्रीय सरकार एतद्द्वारा इस आदेश की तिथि से दो वर्षों की अवधि के लिए सीमेंट उद्योग के विकास परिषद् का गठन करती है तथा निम्नलिखित व्यक्तियों को उक्त परिषद् का सदस्य नियुक्त करती है, अर्थात् :—

80 GI/76—2

सीमेंट उद्योग की विकास परिषद्

- | | |
|---|---------|
| 1. श्री पी०के० मिस्त्री, प्रेसीडेंट, सीमेंट मैनुफैक्चरर्स एसोसिएशन, बंबई। | अध्यक्ष |
| 2. श्री बी० बी० राजू, अध्यक्ष सह प्रबंध संचालक, सीमेंट कारपोरेशन ऑफ इंडिया लि०, नई दिल्ली। | सदस्य |
| 3. डा० एच० सी० क्रिश्नेस्वरैया, निदेशक, सीमेंट रिसर्च इन्स्टीट्यूट ऑफ इंडिया, नई दिल्ली। | सदस्य |
| 4. श्री महमूद बट्ट, अध्यक्ष, यू० पी० स्टेट सीमेंट कारपोरेशन लि०, चुरक, जिला मिर्जापुर, उत्तर प्रदेश। | सदस्य |
| 5. श्री कमलजीत सिंह, प्रबन्ध निदेशक, एसोसियेटेड सीमेंट कंपनी लि०, बंबई। | सदस्य |
| 6. श्री एस०एस० रामचन्द्र राजा, मद्रास सीमेंट लि०, तुलुकापट्टी, तमिलनाडु। | सदस्य |
| 7. श्री जय हरी डालमिया, उड़ीसा सीमेंट्स लि०, राजगंगपुर, उड़ीसा। | सदस्य |
| 8. श्री जे० प्रार० बिरला, बिरला जूट मैनुफैक्चरिंग कंपनी लि०, द्वारा सतना सीमेंट वर्क्स, सतना, मध्य प्रदेश। | सदस्य |
| 9. श्री के० बी० तलचरकर, तकनीकी निदेशक, हास्टेक इंजीनियर्स प्रा० लि०, नई दिल्ली। | सदस्य |
| 10. श्री ए० पी० वल भौधरी, द्वारा मै० डेबलपमेंट कंसलटेंट्स प्रा० लि०, 24-बी, पार्क स्ट्रीट, कलकत्ता-16। | सदस्य |
| 11. श्री एच० एन० त्रिवेदी (एम० एल० ए०), अध्यक्ष, इंडियन नेशनल सीमेंट वर्क्स फेडरेशन, मज्दूर कार्यालय, कांग्रेस हाउस, बंबई-400004। | सदस्य |
| 12. श्री रॉबिन वस्त, अध्यक्ष, सीमेंट, कर्मचारी यूनियन, क्या० नं० टी आई-91, पो०आ० मंदार, जिला रायपुर, म०प्र०। | सदस्य |
| 13. श्री जी० सी० भायूर, निदेशक, नेशनल बिल्डिंग मर्यादाइजेशन, निर्माण समन, नई दिल्ली। | सदस्य |
| 14. प्रो० विनेश मोहन, निदेशक, सेंट्रल बिल्डिंग रिसर्च इन्स्टीट्यूट ऑफ इंडिया, रुड़की, उ०प्र०। | सदस्य |
| 15. श्री प्रार०एन० जालान, अध्यक्ष, मै० हैदराबाद एल्वेस्ट्स सीमेंट प्रोडक्ट्स लि०, सतल नगर, हैदराबाद, आंध्र प्रदेश। | सदस्य |
| 16. श्री पी० बी० मण्डल, वैज्ञानिक अधिकारी (फिजिकल) नेशनल टैस्ट हाउस, कलकत्ता। | सदस्य |

17. श्री ए० बी० मलिक, औद्योगिक सलाहकार, तकनीकी विकास का महाविद्यालय, उद्योग भवन, नई दिल्ली।	सदस्य	7. Shri Jai Hari Dalmia, Orissa Cements Limited, Rajgangpur, Orissa.	Member
18. मै० ए०बी०सी० लि०, दुर्गापुर, प० बंगाल का एक प्रतिनिधि।	सदस्य	8. Shri J.R. Birla, Birla Jute Manufacturing Company Limited, C/o. Satna Cement Works, Satna, Madhya Pradesh.	"
19. विज्ञान और प्रौद्योगिकी विभाग, नई दिल्ली का एक प्रतिनिधि।	सदस्य	9. Shri K.V. Talcherkar, Technical Director, Holtec Engineers Private Limited, New Delhi.	"
20. कोल इंडिया लिमिटेड, कलकत्ता का एक प्रतिनिधि।	सदस्य	10. Shri A.P. Dutt Choudhury, C/o. M/s. Development Consultants Limited, 24-B, Park Street, Calcutta-16.	"
21. जियालाजिकल सर्वे आफ इंडिया, कलकत्ता का एक प्रतिनिधि।	सदस्य	11. Shri H.N. Trivedi (MLA), President, Indian National Cement Workers Federation, Mazdoor Karyalaya, Congress House, Bombay-400004.	"
22. स्टील अथॉरिटी आफ इंडिया लि०, नई दिल्ली का एक प्रतिनिधि।	सदस्य	12. Shri Robin Dutta, President, Cement Karmachari Union, Qr. No. TI-91, P.O. Mandhar, District Raipur, Madhya Pradesh.	"
23. नेशनल प्रोजेक्टविटी काउंसिल, नई दिल्ली का एक प्रतिनिधि।	सदस्य	13. Shri G.C. Mathur, Director, National Building Organisation, Nirman Bhavan, New Delhi.	"
24. रेलवे बोर्ड (परिवहन), नई दिल्ली का एक प्रतिनिधि।	सदस्य	14. Prof. Dinesh Mohan, Director, Central Building Research Institute of India, Roorkee, Uttar Pradesh.	"
25. योजना आयोग, नई दिल्ली का एक प्रतिनिधि।	सदस्य	15. Shri R.N. Jalan, President, M/s. Hyderabad Asbestos Cement Products Limited, Sanat Nagar, Hyderabad, Andhra Pradesh.	"
26. इंडियन स्टैंडर्ड्स इन्स्टीट्यूशन, नई दिल्ली का एक प्रतिनिधि।	सदस्य	16. Shri P.B. Mandal, Scientific Officer, (Physical), National Test House, Calcutta.	"
27. स्टेट ट्रेडिंग का (पोरेशन आफ इंडिया लि०, नई दिल्ली का एक प्रतिनिधि।	सदस्य	17. Shri A.B. Mullick, Industrial Adviser, Directorate General of Technical Development, Udyog Bhavan, New Delhi.	"
28. प्रति और निपटान महाविद्यालय, नई दिल्ली का एक प्रतिनिधि।	सदस्य	18. A representative of M/s. A.V.B. Limited, Durgapur, West Bengal.	"
29. औद्योगिक विकास विभाग, नई दिल्ली का एक प्रतिनिधि।	सदस्य	19. A representative of Department of Science and Technology, New Delhi.	"
30. श्री एन०जी० बासक, विकास अधिकारी, सीमेंट निवेशालय, तकनीकी विकास का महाविद्यालय, उद्योग भवन, नई दिल्ली।	सदस्य-सचिव	20. A representative of the Coal India Limited, Calcutta.	"
		21. A representative of the Geological Survey of India, Calcutta.	"
		22. A representative of the Steel Authority of India Limited, New Delhi.	"
		23. A representative of the National Productivity Council, New Delhi.	"
		24. A representative of Railway Board (Transportation), New Delhi.	"
		25. A representative of Planning Commission, New Delhi.	"
		26. A representative of Indian Standards Institution, New Delhi.	"
		27. A representative of the State Trading Corporation of India Limited, New Delhi.	"
		28. A representative of the Directorate General of Supplies and Disposals, New Delhi.	"
		29. A representative of the Department of Industrial Development, New Delhi.	"
		30. Shri N.G. Basak, Development Officer, Cement Directorate, Directorate General of Technical Development, Udyog Bhavan, New Delhi.	MEMBER SECRETARY

[सं० 5-20/75-सीमेंट]

जी० रामनाथन्, उप सचिव

ORDER

New Delhi, the 17th September, 1976

S.O. 3493.—In exercise of the powers conferred by section 6 of the Industries (Development and Regulation) Act, 1951 (65 of 1951) read with rules 2, 4 and 5 of the Development Councils (Procedural) Rules, 1952, the Central Government hereby establishes a Development Council for Cement Industry for a period of two years with effect from the date of this Order, and appoints the following persons to be members of the said Council, namely:—

Development Council for Cement Industry

1. Shri P.K. Mistry, President, Cement Manufacturers' Association, Bombay.	CHAIRMAN
2. Shri B.V. Raju, Chairman-cum-Managing Director, Cement Corporation of India Limited, New Delhi.	MEMBER
3. Dr. H.C. Visveswarya, Director, Cement Research Institute of India, New Delhi.	"
4. Shri Mahmood Butt, Chairman, U.P. State Cement Corporation Limited, Churk, District Mirzapur, Uttar Pradesh.	"
5. Shri Kamaljit Singh, Managing Director, Associated Cement Companies Limited, Bombay.	"
6. Shri S.S. Ramchandra Raja, Madras Cements Limited, Tullukapatti, Tamil Nadu.	"

[No. 5-20/75 Cem.]

G. RAMANATHAN, Dy. Secy.

भारतीय मानक संस्था

नई दिल्ली, 1976-09-14

क्र०आ० 3494.—समय-समय पर संशोधित भारतीय मानक संस्था (प्रमाणन बिन्दु) विनियम 1955 के नियम 3 के उपविनियम (2) और विनियम 3 के उपविनियम (2) और (3) के अनुसार भारतीय मानक संस्था द्वारा अधिसूचित किया जाता है कि नीचे अनुसूची में जिन मानकों

के ध्येय दिए गए हैं। अप्रैल से 30 अप्रैल, 1975 की अवधि में निर्धारित किए गए हैं :

अनुसूची

क्रम निर्धारित भारतीय मानक की संख्या पद संख्या और शीर्षक तब भारतीय मानक द्वारा रद किए गए भारतीय मानक की पद संख्या और शीर्षक

(1)	(2)	(3)
1. IS : 548 (भाग 2)-1974 तेलों और बसा की बा.गी लेने तथा परीक्षण की पद्धतियों भाग 2 शुद्धता परीक्षण (दूसरा पुनरीक्षण)	IS : 548-1964 तेलों और बसा की बा.गी लेने तथा परीक्षण की पद्धतियाँ (पुनरीक्षित)	
2. IS : 1121 (भाग 1)-1974 प्राकृतिक हमारती पत्थरों की सामर्थ्य संबंधी गुणधर्म ज्ञात करने की परीक्षण पद्धतियाँ (भाग 1) संपीड़न सामर्थ्य (पहला पुनरीक्षण)	IS : 1121-1957 प्राकृतिक हमारती पत्थरों की संपीड़न तिर्यक और कर्तन सामर्थ्य ज्ञात करने की पद्धतियाँ	
3. IS : 1125-1974 प्राकृतिक हमारती पत्थरों पर मौसम का प्रभाव ज्ञात करने की परीक्षण पद्धतियाँ (पहला पुनरीक्षण)	IS : 1125-1957 प्राकृतिक हमारती पत्थरों पर मौसम का प्रभाव ज्ञात करने की पद्धति	
4. IS : 1200 (भाग 2)-1974 हमारती और सिविल इंजीनियरी कार्यों की मापन पद्धतियों भाग 2 कंक्रीट का काम सीसरा पुनरीक्षण)	IS : 1200 (भाग 2)-1968 हमारती कार्यों की मापन पद्धतियाँ; भाग 2 सीमेंट कंक्रीट का काम (दूसरा पुनरीक्षण)	
5. IS : 1231-1974 पायों पर रखी हुई तीन फेजी प्रेरण मोटर के माप (सीसरा पुनरीक्षण)	IS : 1231-1967 पायों पर रखी हुई तीन फेजी प्रेरण मोटर के माप (दूसरा पुनरीक्षण)	
6. IS : 1294-1974 घरेलू सिलाई मशीनों की बाबिनों की विशिष्टि (दूसरा पुनरीक्षण)	IS : 1294-1967 घरेलू सिलाई की मशीनों की बाबिनों की विशिष्टि (पहला पुनरीक्षण)	
7. IS : 1309-1974 एन्ड्रिन, तकनीकी की विशिष्टि (पहला पुनरीक्षण)	IS : 1309-1958 एन्ड्रिन, तकनीकी की विशिष्टि	
8. IS : 1310-1974 एन्ड्रिन पायसनीय सेजब्रव की विशिष्टि (पहला पुनरीक्षण)	*IS : 1310-1958 एन्ड्रिन पायसनीय सेजब्रव की विशिष्टि	
9. IS : 2318-1974 फोटोग्राफी, ग्रेड रजत नाइट्रेट की विशिष्टि (पहला पुनरीक्षण)	IS : 2318-1963 फोटोग्राफी, ग्रेड रजत नाइट्रेट की विशिष्टि	
10. IS : 2877-1974 हकहरे और दोहरे कालम वाली रंवा करने की मशीनों के परीक्षण चार्ट (पहला पुनरीक्षण)	IS : 2877-1964 हकहरे और दोहरे कालम वाली रंवा करने की मशीनों के परीक्षण चार्ट	
11. IS : 3383-1975 जल विसर्जनीय गन्धक के चूर्ण की विशिष्टि (पहला पुनरीक्षण)	**IS : 3383-1965 विसर्जनीय गन्धक के पूर्ण की विशिष्टि	
12. IS : 3901-1975 जिरांम जल विसर्जनीय चूर्ण की विशिष्टि (पहला पुनरीक्षण)	†IS : 3901-1966 जिरांम जल विसर्जनीय चूर्ण की विशिष्टि	

1	2	3
13. IS : 4338-1974 घरेलू सिलाई की मशीनों की खड़ी दोलनकारी नाल की विशिष्टि (पहला पुनरीक्षण)	IS : 4338-1967 घरेलू सिलाई की मशीनों की खड़ी दोलनकारी नालों की विशिष्टि	
14. IS : 4654-1974 पराकीन मोम की विशिष्टि (पहला पुनरीक्षण)	IS : 4654-1968 पराकीन मोम की विशिष्टि	
*भा०मा० संस्था प्रमाणन मुहर योजना के कार्यों के लिए IS : 1310-1958, 31 अगस्त, 1975 तक IS : 1310-1974 के साथ साथ लागू रहेगा।		
**भा०मा० संस्था प्रमाणन मुहर योजना कार्यों के लिए IS : 3383-1965 31 अगस्त, 1975 IS : 3383-1975 के साथ साथ लागू रहेगा।		
†भा०मा० संस्था प्रमाणन मुहर योजना कार्यों के लिए IS : 3901-1966, 31 अगस्त, 1975 तक IS : 3901-1975 के साथ साथ लागू रहेगा।		
(1)	(2)	(3)
15. IS : 4682 (भाग 9)-1974 रसायनिक विधियों के लिए धारकों और उपकरणों में अस्तर चढ़ाने की रीति संहिता; भाग 9 टिटैनियम		---
16. IS : 5960 (भाग 7)-1974 मांस और मांस से बने पदार्थों की परीक्षण पद्धतियाँ भाग 7 नाइट्राइट की मात्रा ज्ञात करना		---
17. IS : 5960 (भाग 8)-1974 मांस और मांस के बने पदार्थों की परीक्षण पद्धतियाँ भाग 8 नाइट्रेट की मात्रा ज्ञात करना		---
18. IS : 6609 (भाग 2/अनुभाग 1)-1973 व्यापारी स्तर पर विस्फोटकों और उपसाधनों की परीक्षण पद्धतियाँ भाग 8 विस्फोटक अनुभाग 1 सामान्य		---
19. IS : 7265-1973 नेत्र उपकरण उद्योग में प्रयुक्त लेपकारी सामग्रियाँ (धातुएं, मिश्रधातुएं और परावैद्युत)		---
20. IS : 7314-1974 पत्तन और बन्दरगाह इंजीनियरी संबंधी पारिभाषिक शब्दावली		---
21. IS : 7370-1974 सेपटी रेजर की विशिष्टि		---
22. IS : 7393-1974 बिट्यूमन इलुक्सन से बने सेपकों की विशिष्टि		---
23. IS : 7428-1974 वायुयान के कार्यों के लिए एलुमिनियम मिश्रधातु (मिश्रधातु संख्या 24345) की कड़वां सरियों छड़ों और सेक्शनों की विशिष्टि		---
24. IS : 7430-1974 लोह चुम्बकीय ग्राफाइट के बने पेंचदार कोरों के माप		---
25. IS : 7441 (भाग 1)-1974 अक्रिय समेकित परिपथों के अनिवार्य रेडिंग और लक्षण; भाग 1 सामान्य फारमेट		---

(1)	(2)	(3)
26. IS : 7444-1974 मेथानोल की बचाव संहिता		--
27. IS : 7451 (भाग 6)-1974 घ्राणे पीछे चलने वाले घ्रातदाही इंजन; भाग 6 हस्त चालित नियंत्रण साधन-गति की मानक विधि		--
28. IS : 7464-1974 डबल रोटी उद्योग के लिए गेहूं के घ्राटे की विशिष्टि		--
29. IS : 7476-1974 बत संबंधी कटाई के निष्कर्ष		--
30. IS : 7479-1974 खांच गहराई मापकों की विशिष्टि		--
31. IS : 7486-1974 घ्रात-पार खांच-पार उठे सिर वाले शंकुकुलित पेंचों (व्यास 2.5 से 100 मिमी) की विशिष्टि		--
32. IS : 7492-1974 घरेलू सिलाई की मशीनों की सिलाई संबंधी प्रपेक्षाएं		--
33. IS : 7495-1974 रजबाहों में सल-छट नियंत्रण के लिए गोद छांटने वाले हेच नियंत्रक की जलौय बिजाइन संबंधी कसौटियां		--
34. IS : 7497-1974 उच्च चर्चण भट्टियों की कालिख की विशिष्टि		--
35. IS : 7499-1974 प्राकृतिक रबड़ के मूल्यांकन सूत्र		--
36. IS : 7506-1974 निकल धूँ की विशिष्टि		--
37. IS : 7507-1974 ग्लोडर की पथरी के फोर्सिस की विशिष्टि		--
38. IS : 7509-1974 ताप रोधी सीमेंट (टाइप 750) की विशिष्टि		--
39. IS : 7510-1974 ताप रोधी सीमेंट (टाइप 350) की विशिष्टि		--
40. IS : 7520-1974 क्षारण प्रतिरोधी उच्चसिलीकांस लोहे की ठली कई बस्तुओं की विशिष्टि		--
41. IS : 7521-1974 कोचर नमूने के डिसेक्टर की विशिष्टि		--
42. IS : 7522-1975 भारिस नमूने के पेट के रिट्रेक्टर की विशिष्टि		--
43. IS : 7526-1974 यिस्कोफक पलीकों की विशिष्टि		--
44. IS : 7528-1974 स्वचल गाड़ियों के पोर्सलिन के पयूजसिकों (ठले हुए) की विशिष्टि		--
45. IS : 7531-1975 स्टेमलैस इस्पात की सर्जरी के उपकरणों की संभारण प्रतिरोधिता के लिए उयालने घोर घाटीकलेव संबंधी परीक्षण पद्धति		--
46. IS : 7537-1974 नीत गढ़े रिबेट बनाने के लिए इस्पात के तार (200 मिमी तक) की विशिष्टि		--

इन भारतीय मानकों की प्रतियां बिक्री के लिए भारतीय मानक संस्था, मानक भवन, 9 बहादुरशाह जफर मार्ग, नई दिल्ली-110002 तथा इसके शाखा कार्यालयों महमदाबाद, बंगलौर, बम्बई, कलकत्ता, चंडीगढ़, हैबराबाद, कानपुर, मद्रास और पटना में उपलब्ध हैं।

[सं सी एम बी/13 : 2]

ए० बी० राव, उपमहानिदेशक

INDIAN STANDARDS INSTITUTION

New Delhi, the 1976-09-14

S.O.3494.—In pursuance of Sub-rule(2) of Rule 3 and Sub-regulations (2) and (3) of regulation 3 of Indian Standards Institution (Certification Marks) Rules and Regulations, 1955, the Indian Standards Institution hereby notifies that the Indian Standard(s), particulars of which are given in the Schedule hereto annexed, have been established during the period 1 April to 30 April, 1975.

SCHEDULE

Sl. No. and Title of the Indian No. Standards Established	No. and Title of the India Standard or Standards, if any, superseded by the new Indian Standard	
1	2	3
1. IS : 548 (Pt II)—1974 Methods of sampling and test for oils and fats : Part II purity Tests (second revision)	IS : 548—1964 Methods of sampling and test for oils and fats (revised)	
2. IS : 1121 (Part I)—1974 Methods of test for determination of strength properties of Natural building stones Part I Compressive strength (first revision)	IS : 1121—1957 Methods for determination of compressive, transverse and shear strengths of natural building stones.	
3. IS : 1125—1974 Method of test for determination of weathering of natural building stones (first revision)	IS : 1125—1957 Method of test for weathering of natural building stones.	
4. IS : 1200 (Pt II)—1974 Method of measurement of building and civil engineering works Part II concrete works (third revision)	IS : 1200 (Pt II)—1968 Method of measurement of building works : Part II cement concrete works (second revision)	
5. IS : 1231-1974 Dimensions of three-phase foot-mounted induction motors (third revision)	IS : 1231—1967 Dimensions three-phase foot-mounted induction motors (second revision)	
6. IS : 1294—1974 Specification for bobbins for sewing machines for household purposes (second revision)	IS : 1294—1967 Specification for bobbins for sewing machines for household purposes (first revision)	
7. IS : 1309—1974 Specification for endrin, technical (first revision)	IS : 1309—1958 Specification for endrin, technical.	
8. IS : 1310—1974 Specification for endrin emulsifiable concentrates (first revision)	*IS : 1310—1958 Specification for endrin emulsifiable concentrates.	
9. IS : 2318—1974 Specification for silver nitrate, photographic grade (first revision)	IS : 2318—1963 Specification for silver nitrate, photographic grade.	
10. IS : 2877—1974 Test chart for single and double column planing machines (first revision)	IS : 2877—1964 Test chart for single and double column planing machines.	
11. IS : 3383—1975 Specification for wettable sulphur powder (first revision)	**IS : 3383—1965 Specification for wettable sulphur powder.	

1	2	3
12. IS : 3901—1975 Specification for ziram water dispersible powder (first revision)	†IS : 3901—1966 Specification for ziram water dispersible powder.	
13. IS : 4338—1974 Specification for vertical oscillating shuttles for sewing machines for household purposes (first revision)	IS : 4338—1967 Specification for vertical oscillating shuttles for sewing machines for household purposes.	
14. IS : 4654—1974 Specification for paraffin wax (first revision)	IS : 4654—1968 Specification for paraffin wax.	
15. IS : 4682 (Pt IX)—1974 Code of Practice for lining of vessels and equipment for chemical processes Part IX Titanium	—	
16. IS : 5960 (Part VII)—1974 Methods of test for meat and meat products : Part VII Determination of nitrite content	—	
17. IS : 5960 (Pt VIII)—1974 Methods of test for meat and meat products Part VIII Determination of nitrate content	—	
18. IS : 6609 (Pt II/Sec. I)—1973 Methods of test for commercial blasting explosives and accessories Part II Explosives, Section I Explosives—General	—	
19. IS : 7265—1973 Coating Materials (metals, alloys and dielectrics) used in optical instrument industry	—	
20. IS : 7314—1974 Glossary of terms relating to port and harbour engineering	—	
21. IS : 7370—1974 Specification for razors, safety	—	
22. IS : 7393—1974 Specification for adhesive, bitumen emulsion	—	
23. IS : 7428—1974 Specification for aluminium alloy extruded bars, rods and sections for aircraft purposes (alloy No. 24345)	—	
24. IS : 7430—1974 Dimensions of screw cores made of ferromagnetic oxides	—	
25. IS : 7441 (Pt. I)—1974 Essential ratings and characteristics of digital integrated circuits Part I general format	—	
26. IS : 7444—1974 Code of safety for methanol	—	
27. IS : 7451 (Part VI)—1974 Reciprocating internal combustion engines Part VI hand operated control devices standard direction of motion	—	

1	2	3
28. IS : 7464—1974 Specification for wheat flour for use in bread industry	—	
29. IS : 7476—1974 Specification for nippers, cutting, dental	—	
30. IS : 7479—1974 Specification for recess penetration gauges	—	
31. IS : 7486—1974 Specification for cross recessed raised countersunk head screws (dia. 2.5 to 10 mm)	—	
32. IS : 7492—1974 Sewing requirements for sewing machines for household purposes	—	
33. IS : 7495—1974 Criteria for hydraulic design of silt selective head regulator for sediment control in off-taking canals	—	
34. IS : 7497—1974 Specification for high abrasion furnace (HAF) carbon black	—	
35. IS : 7499—1974 Formulate for evaluation of natural rubber	—	
36. IS : 7506—1974 Specification for nickel powder	—	
37. IS : 7507—1974 Specification for forceps, stone, bladder	—	
38. IS : 7509—1974 Specification for thermal insulating cements (Type 750)	—	
39. IS : 7510—1974 Specification for thermal insulating cements (Type 350)	—	
40. IS : 7520—1974 Specification for corrosion-resistant high silicon iron castings	—	
41. IS : 7521—1974 Specification for dissector, Kocher's patterns	—	
42. IS : 7522—1975 Specification for retractor, abdominal, Morris' pattern	—	
43. IS : 7526—1974 Specification for detonating fuse	—	
44. IS : 7528—1974 Specification for porcelain (moulded) fuse-links for automobiles	—	
45. IS : 7531—1975 Method for boiling and autoclaving test for corrosion resistance of stainless steel surgical instruments	—	
46. IS : 7557—1974 Specification for steel wire (up to 20 mm) for the manufacture of cold forged rivets	—	

*For purposes of ISI certification marks scheme ; IS : 1310-1958 shall run concurrently with IS : 1310—1974 upto 31 August 1975

**For purposes of ISI Certification Marks Scheme ; IS : 3383—1965 shall run concurrently with IS : 3383—1975 upto 31 August 1975.

†For purposes of ISI Certification marks scheme ; IS : 3901—1966 shall run concurrently with IS : 3901—1975 upto 31 August 1975.

Copies of these Indian Standards are available for sale with the Indian Standards Institution, Manak Bhavan, 9, Bahadur Shah Zafar Marg, New Delhi 110002 and also its Branch Offices at Ahmedabad, Bangalore, Bombay, Calcutta, Chandigarh, Hyderabad, Kanpur, Madras, Patna and Trivandrum.

[No. CMD/13 : 2]

A. B. RAO, Dy. Director General.

ऊर्जा मंत्रालय

(विद्युत विभाग)

जोधरा

नई दिल्ली, 13 सितम्बर, 1976

का०आ० 3495.—भारतीय विद्युत नियम, 1956 के नियम 133 के उपनियम 2 द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, केन्द्रीय सरकार नेटर्स नेशनल मिनरल डेवलपमेंट कॉर्पोरेशन लिमिटेड की बैलाडीला लोह अयस्क परियोजना, डिपॉजिट सं० 14 में संपूर्ण अयस्क प्रबन्ध संयंत्र के लिए, जिसमें सुरंग (टनेल) भी सम्मिलित है, भू-सम्पर्कित न्यूट्रल बाने 220 बोल्ड सिस्टम तंतु (थ्री फेज सिस्टम) के उपयोग की बाबत नियम 118(ग) के उपबंधों को शिथिल करती है। यह शिथिलीकरण निम्नलिखित शर्तों पर होगा :—

1. प्रदाय के 220 बोल्ड सिस्टम को, पर्याप्त सुव्रतिता के उपयुक्त प्रसारण की व्यवस्था द्वारा भू-संपर्क के दोषों से बचाने की व्यवस्था की जाएगी, जिससे कि द्वाकस्मिक संपर्क की दशा में व्यक्तियों को क्षति की संभावना से बचाया जा सके।

2. संस्थापन (इंस्टालेशन) भारतीय विद्युत नियम, 1956, विशेष रूप से अध्याय VIII में के नियमों के सुसंगत उपबंधों के अनुसार होना चाहिए।

यदि सुरक्षा के हित में आवश्यक समझा गया, तो पूर्वोक्त शिथिलीकरण में संशोधन किया जा सकेगा या उसे वापस लिया जा सकेगा।

[सं० ई०एल० II-6(15)/75]

एस० पी० जैन, उप निदेशक

MINISTRY OF ENERGY

(Department of Power)

ORDER

New Delhi, the 13th September, 1976

S.O. 3495.—The Central Government in exercise of the powers conferred by Sub-rule 2 of Rule 133 of the Indian Electricity Rules, 1956, hereby relax the provisions of Rule 118(c) in respect of use of 220 V three phase system, with neutral earthed, for the entire ore-handling plant, including the tunnel, in the Bailadila Iron Ore Project, Deposit No. 14 of M/s. National Mineral Development Corporation Limited and the relaxation shall be subject to the following conditions :—

1. 220 Volt system of supply shall be protected against earth faults by the provisions of a suitable relay of sufficient sensitivity to exclude the possibility of injury to persons in the event of accidental contact.
2. The installation shall comply with relevant provisions of Indian Electricity Rules, 1956, particularly to Rules in Chapter VIII.

The aforesaid relaxation may be amended or withdrawn, if considered necessary in the interest of safety.

[No. EL. II-6(15)/75]

S. P. JAIN, Dy. Director.

पेट्रोलियम मंत्रालय

नई दिल्ली, 7 सितम्बर, 1976

का०आ० 3496.—यतः इस संलग्न अनुसूची में विनिर्दिष्ट और पेट्रोलियम पाइपलाइन (भूमि के उपयोग के अधिकारों का अर्जन) अधिनियम, 1962 की धारा 6 की उपधारा (i) के अधीन प्रकाशित भारत

सरकार की अधिसूचना द्वारा गुजरात राज्य के कलोल तेल क्षेत्र में सानन्द-6 से सानन्द-4 तक पेट्रोलियम के परिवहन के लिए उस संलग्न अनुसूची में विनिर्दिष्ट भूमियों के उपयोग का अधिकार अर्जित कर लिया है।

और यतः तेल और प्राकृतिक गैस आयोग ने 21-7-74 को उक्त अधिनियम की धारा 7 की उपधारा (1) के खण्ड (i) में निरिष्ट प्रक्रिया को पर्यवसित कर दिया है।

अब अतः पेट्रोलियम पाइपलाइन (भूमि में उपयोग के अधिकारों का अर्जन) नियमावली 1963 के नियम 4 के अधीन सक्षम प्राधिकारी उक्त तारीख को ऊपर निर्दिष्ट संक्रिया के पर्याप्तान के रूप में एतद्वारा अधिसूचित करता है।

अनुसूची

डी एस सानन्द-6 से सानन्द-4 तक पाइपलाइन के कार्य का पर्याप्तान

मंत्रालय का नाम	गांव	संबंधित संख्या	भारत के राजपत्र के प्रकाशन की तारीख	संक्रिया के पर्याप्तान की तारीख
पेट्रोलियम	अधना एवं थोल	5319	20-12-75	21-7-74

[सं 12016/4/76-एन एण्ड एल-1]

MINISTRY OF PETROLEUM

New Delhi, the 7th September, 1976

S.O. 3496.—Whereas by the notification of Government of India as shown in the schedule appended hereto and issued under sub section (i) of section 6 of the Petroleum Pipelines (Acquisition of Right of User in Land) Act, 1962 the Right of User has been acquired in the lands specified in the schedule appended thereto for the transport of petroleum from d.s. No. Sanand-6 to Sanand-4 in Kalol oil field in Gujarat State.

And whereas the Oil & Natural Gas Commission has terminated the operations referred to in clause (i) of sub-section (1) of section 7 of the said Act on 21-7-74.

Now therefore under Rule 4 of the Petroleum Pipelines (Acquisition of Right of User in Land) Rules, 1963, the Competent Authority hereby notifies the said date as the date of termination of operation referred to above.

SCHEDULE

Termination of Operation of Pipeline from D.S. Sanand-6 to Sanand-4

Name of Ministry	Village	S.O. No.	Date of publication in the Gazette of India	Date of termination of operation
Petroleum	Adhana and Thol	5319	20-12-75	21-7-74

[No. 12016/4/76- L&L II]

का० आ० 3497.—यतः इस संलग्न अनुसूची में विनिर्दिष्ट और पेट्रोलियम पाइपलाइन (भूमि में उपयोग के अधिकारों का अर्जन) अधिनियम, 1962 की धारा 6 की उपधारा (1) के अधीन प्रकाशित भारत सरकार की अधिसूचना द्वारा गुजरात राज्य के कलोल तेल क्षेत्र में डी एस

संख्या के टी एफ से जो जी एस तक पेट्रोलियम के परिवहन के लिए उस संलग्न अनुसूची में विनिर्दिष्ट भूमियों के उपयोग का आधार प्रदान कर लिया है।

और यतः तेल और प्राकृतिक गैस आयोग ने 25-8-1975 को उक्त अधिनियम की धारा 7 की उपधारा (1) के खण्ड (i) में निश्चित प्रक्रिया को पर्यवसित कर दिया है।

अब अतः पेट्रोलियम पाइपलाइन (भूमि में उपयोग के अधिकारों का अर्जन) नियमावली 1963 के नियम 4 के अधीन सक्षम प्राधिकारी उक्त तारीख को ऊपर निश्चित प्रक्रिया के पर्यवसान के रूप में एतद्वारा अधिसूचित करता है।

अनुसूची

टी एस के टी एफ से जी जी एस तक पाइपलाइन के कार्य का पर्यवसान

मंत्रालय का नाम	गांव	सर्वेक्षण संख्या	भारत के राजपत्र के प्रकाशन की तारीख	संक्रिया के पर्यवसान की तारीख
पेट्रोलियम	दिवेल कनकापुरा देहवान	4969	22-11-75	25-8-75

[सं० 12016/4/76-एल एंड एल-II]

के० बी० देशपांडे, गुजरात के लिए अधिनियम के अन्तर्गत सक्षम प्राधिकारी

S.O. 3497.—Whereas by the notification of Government of India as shown in the schedule appended hereto and issued under subsection (i) of section 6 of the Petroleum Pipelines (Acquisition of Right of User in Land) Act, 1962 the Right of User has been acquired in the lands specified in the schedule appended thereto for the transport of petroleum from d.s. No. K.T.F. to G.G.S. in Kathana oil field in Gujarat State.

And whereas the Oil & Natural Gas Commission has terminated the operations referred to in clause (i) of sub-section (1) of section 7 of the said Act on 25-8-1975.

Now, therefore under Rule 4 of the Petroleum Pipelines (Acquisition of Right of User in Land) Rules, 1963, the Competent Authority hereby notifies the said date as the date of termination of operation referred to above.

SCHEDULE

Termination of operation of Pipeline from D.S.K.T.F. to G.G.S.

Name of Ministry	Village	S.O. No.	Date of publication in the Gazette of India	Date of termination of operation
Petroleum	Divel, Kankapura, Dehwan	4969	22-11-75	25-8-1975

[No. 12016/4/76- L & L-II]

K. V. DESHPANDE, Competent Authority
under the Act for Gujarat.

कृषि तथा सिंचाई मंत्रालय

(सिंचाई विभाग)

नई दिल्ली, 30 अगस्त, 1976

का०भा० 3498.—केन्द्रीय सरकार, सरकारी स्वाम (अप्रामाणित अधिभोगियों की बेदखली) अधिनियम, 1971 (1971 का 40) की धारा 3 की उपधारा 3 द्वारा प्रवृत्त शक्तियों का प्रयोग करते हुए, भारत सरकार के निर्माण और आवास मंत्रालय (सम्पदा निदेशालय) को अधिपूर्वका सं० का० भा० 2186 तारीख 7 अगस्त, 1972 में विम्बविहित संशोधन करती है, अर्थात्:—

उक्त अनुसूचना में, सारणी में,—

- क्रम सं० 4 के सामने स्तम्भ 2 में की प्रविष्टि में "मुर्शिदाबाद जिला" शब्दों के पश्चात् "और मावदा जिला" शब्द अन्तः स्थापित किए जाएंगे।
- क्रम सं० 5 और उसके सम्बन्धित प्रविष्टियों का खोल किया जाएगा।
- विद्यमान क्रम सं० 6 से 13 को क्रम सं० 5 से 12 के रूप में पुनः संख्यांकित किया जाएगा।

[अधिसूचना सं० 12/76-का० 17/1/76-कवव]

एच० बी० खरे, संयुक्त सचिव

MINISTRY OF AGRICULTURE & IRRIGATION

(Department of Irrigation)

New Delhi, the 30th August, 1976

S.O. 3498.—In exercise of the powers conferred by the section 3 of the Public Premises (Eviction of Unauthorised Occupants) Act, 1971 (40 of 1971), the Central Government hereby makes the following amendments to the notification of the Government of India in the Ministry of Works and Housing (Directorate of Estates) No. S. O. 2186 dated the 7th August, 1972, namely:—

In the said notification, in the Table,—

- in the entry in column 2 against Serial No. 4, after the words "Murshidabad District", the words "and Malda District" shall be inserted.
- Serial No. 5 and the entries relating thereto shall be omitted.
- existing Serial Nos. 6 to 13 shall be renumbered as Serial Nos. 5 to 12 respectively.

[Notification No. 12/76-F. 17/1/76-FBP]

S. B. KHARE, Joint Secy.

वीवहन और परिवहन मंत्रालय

(परिवहन पत्र)

नई दिल्ली, 17 सितम्बर, 1976

का०भा० 3499.—शाक कार्यकार (निर्वाजन का विनियमन) अधिनियम, 1948 (1948 का 9) की धारा 3-क की उपधारा (3) और उपधारा (4) द्वारा प्रवृत्त शक्तियों का प्रयोग करते हुए, केन्द्रीय सरकार निम्नलिखित व्यक्तियों को उक्त धारा की उपधारा (1) के अधीन स्थापित विद्यावापत्तनम डॉक अग्रिक बोर्ड के सदस्यों के रूप में नियुक्त करती है और विद्यावापत्तनम पत्तन न्यास के अध्यक्ष को उसका अध्यक्ष मान्यनिर्दिष्ट करती है, अर्थात्:—

केन्द्रीय सरकार का प्रतिनिधित्व करने वाले सदस्य:

- (1) अध्यक्ष, विद्यावापत्तनम पत्तन न्यास, विद्यावापत्तनम।
- (2) उपाध्यक्ष, विद्यावापत्तनम डॉक अग्रिक बोर्ड, विद्यावापत्तनम।

(3) संयुक्त प्रबन्धक (पत्तन कार्य); भारतीय खाद्य निगम, विशाखा-पत्तनम् ।

(4) सहायक अमायुक्त (केन्द्रीय); विशाखापत्तनम् ।

डॉक कर्मचारियों का प्रतिनिधित्व करने वाले सदस्य :

- | | |
|-------------------------|--|
| (1) श्री एम. बी. भद्रम | } विशाखापत्तनम् बन्दरगाह और पत्तन कर्मकार संघ के प्रतिनिधि । |
| (2) श्री बेंकटेश्वराय | |
| (3) श्री मातुरु सोमसु | |
| (4) श्री बी. विष्वनाथम् | |

डॉक कर्मकार और नौपरिवहन कंपनियों के निमोजकों का प्रतिनिधित्व करने वाले सदस्य

- | | |
|----------------------------|--|
| (1) श्री के. एस. एस | } विशाखापत्तनम् स्टीवीयोर संघ के प्रतिनिधि |
| (2) श्री डी. बलजी | |
| (3) श्री जी. पट्टाभी रमैया | भारतीय राष्ट्रीय पोत स्वामी संघ का प्रतिनिधि । |
| (4) श्री आई. एस. राजू | समुद्रपार नौवहन के हितों का प्रतिनिधि । |

[सं. एल जी बी/39/75]

बी. शंकरलिंगम, प्रवर सचिव

MINISTRY OF SHIPPING & TRANSPORT

(Transport Wing)

New Delhi, the 17th September, 1976.

S.O. 3499.—In exercise of the powers conferred by sub-sections (3) and (4) of section 5A of the Dock Workers (Regulation of Employment) Act, 1948 (9 of 1948), the Central Government hereby appoints the following persons as members of the Visakhapatnam Dock Labour Board established under sub-section (1) of the said section and nominates the Chairman, Visakhapatnam Port Trust as Chairman thereof, namely :—

Members representing the Central Government :

- (1) The Chairman, Visakhapatnam Port Trust, Visakhapatnam.
- (2) The Deputy Chairman, Visakhapatnam Dock Labour Board, Visakhapatnam.
- (3) The Joint Manager (Port Operations), Food Corporation of India, Visakhapatnam.
- (4) The Assistant Labour Commissioner (Central), Visakhapatnam.

Members representing the Dock Workers :

- | | |
|---------------------------|---|
| (1) Shri M.V. Bhadram | } Representatives of the Visakhapatnam Harbour and Port Workers' Union. |
| (2) Shri G. Venkateswarao | |
| (3) Shri Maturu Somulu | |
| (4) Shri V. Viswanadham | |

Members representing the Employers of Dock Workers and Shipping Companies.

- | | |
|------------------------------|--|
| (1) Shri K. S. Dutt | } Representatives of the Visakhapatnam Stevedores Association. |
| (2) Shri D. Banerjee | |
| (3) Shri G. Pattabhi Ramayya | Representative of the Indian National Shipowners' Association. |
| (4) Shri I. S. Raju | Representative of the Overseas Shipping Interests. |

[No. LDV/39/75]

V. SANKARALINGAM, Under Secy.

निर्माण और आवास मंत्रालय

नई दिल्ली, 18 सितम्बर 1976

नं० जा० 3500.—केन्द्रीय सरकार, मूल नियम के नियम 45 द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, सरकारी निवास स्थान घाबंटन (फरीदाबाद में साधारण पूल) संशोधन नियम, 1963 में और संशोधन करने के लिए, निम्नलिखित नियम बनाती है, अर्थात् :—

1. (1) इन नियमों का नाम सरकारी निवास स्थान घाबंटन (फरीदाबाद में साधारण पूल) संशोधन नियम, 1976 है ।

(2) ये राजपत्र में प्रकाशन की तारीख को प्रवृत्त होंगे ।

2. सरकारी निवास स्थान घाबंटन (फरीदाबाद में साधारण पूल) नियम, 1963 में,—

(क) अनुसूचक नियम 317-ब-2 में, खण्ड (छछ) में "अधिसूचित क्षेत्र समिति" शब्दों के स्थान पर "फरीदाबाद कम्प्लेक्स प्रशासन" शब्द रखे जाएंगे;

(ख) अनुसूचक नियम 317-ब-19 में "अधिसूचित क्षेत्र समिति, फरीदाबाद" शब्दों के स्थान पर "फरीदाबाद कम्प्लेक्स प्रशासन" शब्द रखे जाएंगे ।

[फाइल सं० 12033/(6)/76 पोल (II)]

एम० डब्ल्यू० के० युसुफज़ई, संपदा निदेशक

MINISTRY OF WORKS AND HOUSING

New Delhi, the 18th September, 1976

S.O. 3500.—In exercise of the powers conferred by rule 45 of the Fundamental Rules, the Central Government hereby makes the following rules further to amend the Allotment of Government Residences (General Pool in Faridabad) Rules, 1963, namely :—

1. (1) These rules may be called the Allotment of Government Residences (General Pool in Faridabad) Amendment Rules, 1976.

(2) They shall come into force on the date of their publication in the Official Gazette.

2. In the Allotment of Government Residences (General Pool in Faridabad) Rules, 1963 :—

(a) In Supplementary Rules, 317-B-2, in clause (gg), for the words "Notified Area Committee" the words "Faridabad Complex Administration" shall be substituted;

(b) In Supplementary Rule 317-B-19, for the words "the Notified Area Committee, Faridabad"; the words "Faridabad Complex Administration" shall be substituted.

[File No. 12033(6)/76-Pol. (II)]

M. W. K. YUSUFZAI, Director of Estates.

MINISTRY OF LABOUR

New Delhi, the 15th September, 1976

S.O. 3501.—In pursuance of section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the following award of the Central Government Industrial Tribunal Calcutta in the industrial dispute between the employers in relation to the management of the Calcutta Port Trust, Calcutta and their workmen, which was received by the Central Government on the 14th September, 1976.

CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL AT CALCUTTA

Reference No. 71 of 1975

PARTIES :

Employers in relation to the Calcutta Port Trust, Calcutta.

AND

Their Workmen.

APPEARANCE :

On behalf of Employers.—Sri S. M. Benerjee, Labour Adviser and Industrial Relation Officer, with Sri S. P. Naha, Deputy Labour Adviser and Industrial Relation Officer.

On behalf of Workmen.—Sri Sunil Das Gupta, with
Sri Shyam Chakraborty.

STATE : West Bengal

INDUSTRY : Port & Dock

AWARD

The Government of India, Ministry of Labour, by their Order No. L-32012(26)/75-D.IV(A) dated 19th November, 1975, referred an industrial dispute existing between the employers in relation to the Calcutta Port Trust, Calcutta and their workmen, to this Tribunal, for adjudication. The reference reads :

"Whether the management in relation to the Calcutta Port Trust, Calcutta are justified in not giving promotion to Shrimati Minati Nath, Sarvashtri R. N.

Roy, A. K. Chakravorty and J. Bhattacharjee against the posts of stenographers Grade II (Scale of pay : Rs. 290-475) with effect from 1st November, 1971 ? If not, to what relief are the concerned workmen entitled."

2. The four employers mentioned in the Reference contend that they should have been promoted as Grade II Stenographers with effect from 1-11-1971 instead of the three other employees, Shibnath Halder, Sasthipada Sarkar and Sachindra Nath Bhattacharjee who were promoted to that Grade by the Calcutta Port Trust. Admittedly the three persons mentioned above are juniors to the 4 employees specified in the Reference. The inter se seniority length of service, date of promotion, date of confirmation and the salaries they draw are shown in the following chart :

Sl. No.	Name	Designation	Date of promotion to the post of Stenographer from Typist	Confirmed as Stenographer on and from	Seniority position as Stenographer	Promoted to the post of Stenographer Grade II	Present pay
							Rs.
1.	Mrs. Minati Nath	Sr. Stenographer	Direct recruit as Steno on 1-6-1964	26-12-1963	28	1-5-1973	435.00
							290-475
2.	Sri Ajit Kumar Chakravorty	-do-	16-8-1963	1-2-1968	29	1-4-1974	415.00
							290-475
3.	Sri Ramendra Nath Roy	-do-	-do-	do-	30	-do-	395.00
							290-475
4.	Sri Shibnath Halder	-do-	2-1-1964	15-7-1968	31	1-11-1971	455.00
							290-475
5.	Sri Sasthipada Sarkar	-do-	21-10-1964	1-2-1970	32	-do-	435.00
							290-475
6.	Sri Jyotirmoy Bhattacharjee	-do-	4-11-1964	1-3-1970	33	1-4-1974	395.00
							290-475
7.	Sri Sachindra Nath Bhattacharjee	-do-	26-5-1965	1-4-1970	34	1-11-1971	415.00
							290-475

Nos. 1, 2, 3 and 6 are the employees specified in the Reference and Nos. 4, 5 and 7 are the three other employees who were promoted to the post of Grade II Stenographers with effect from 1-11-1971. Nos. 4, 5 and 7 as shown in the chart are juniors, Nos. 4 and 5 juniors to Nos. 1 to 3 and No. 7 junior to No. 6. The inter se seniority of these 7 persons in cadre of Basic Stenographers are shown as Nos. 28 to 34 in the 5th column of the above chart. The Port Trust maintained seniority list in respect of the post of basic stenographers in the above order. As regards the seniority list the parties have no objection. So, evidently Nos. 4, 5 and 7 are juniors to 1 to 3 and 6 in the Basic Stenographers post. In this connection it may be stated that the pay scale of Basic Stenographers is Rs. 170-366. The post higher to Basic Stenographer is that of Grade II stenographer on scale of Rs. 290-475. It is a promotion cadre. The next promotion cadre is stenographer Grade I on a scale of pay of Rs. 375-535. Before the promotion to the Basic Stenographer's post Nos. 2, 3, 6 were holding the post of Typists on scale of Rs. 150-281 and Nos. 4, 5 and 7 were holding the post of Typists on pay scale of Rs. 150-281. While so, the Port Trust called for applications and as a result of which the Typists were selected for appointment as Basic Stenographers. It was accordingly that the seniority list was prepared in respect of the Basic Stenographers. In that list the contesting claimants figured as Nos. 28 to 34 as shown in the chart. So, their inter se seniority had been fixed as per that list.

3. While they were holding these posts after confirmation as shown in the chart, the Port Trust chalked out a plan as shown in Ext. M-1 dated 27-12-1971 creating 13 posts of Head Typists on scale of Rs. 250-475 with effect from 1-11-1971. On that basis they created as per Ext. M-2 dated 25-8-72 three posts of Grade II Stenographers with effect from 1-11-71 and to that created posts Nos. 4, 5 and 7 were promoted on scale of Rs. 290-475. The Union objected to this promotion and hence the industrial dispute,

4. The contention of the management is that the promotion chance of Nos. 1, 2, 3 and 6 are not effected by the promotion of Nos. 4, 5 and 7 with effect from 1-11-71. They state that these 3 persons who were promoted to Grade II Stenographers with effect from 1-11-71 would have been promoted to Head Typists cadre had they been remained in the Senior Typists post without accepting the Basic stenographer's promotion and they had therefore lost their chance to get promoted to the post of senior typists and then to Head Typists. The pay scale of senior typist was only Rs. 170-366 and that of Head Typists was Rs. 250-475. It is not correct to say that Nos. 4, 5 and 7 would have remained in the Typists grade in 1964 on a pay scale of Rs. 150-281, when they were to be promoted to the post of Basic Stenographer on pay scale of 170-366. So, they accepted the promotion on a higher scale in the post of Basic Stenographers. Having accepted that post they found that the proposal of Port Trust as per Exts. M-1 and M-2 was more beneficial to them. So, they wanted to be promoted to Grade II stenographers overlooking the claims of Nos. 1 to 3 and 6. It is contended on behalf of the Port Trust that the scheme as per Exts. M-1 and M-2 was formulated to remove the hardship caused to the Senior Typists. But the posts of Head Typists was created only under Ext. M-1 and M-2. Long before the posts were created Nos. 4, 5 and 7 had been absorbed in the cadre of Basic Stenographers and their seniority inter se with others had been fixed in that cadre. So, when a special treatment is to be given to them the position of their senior employees has to be protected. The Port Trust should not have given promotion to Nos. 4, 5 and 7 to the cadre of Grade II Stenographers, on the other hand they should have created 3 special posts of Head Typists on the scale of Rs. 290-475 and they should have been asked to officiate in those posts until their promotion to Grade I Stenographers posts.

5. The contention of the workmen is that the Port Trust should not have given preference to Nos. 4, 5 and 7 as they

are admittedly junior to them in the Basic Stenographers cadre and that on account of their preferential treatment and earlier promotion they lost their chance of promotion with effect from 1-11-1971 and that they also lost the monetary benefit from 1-11-1971 upto the date of their promotion in that cadre. There is some weight in the case put forward by the aggrieved workmen. They had no objection for the Port Trust promoting Nos. 4, 5 and 7 to the post of Head Typists on a scale of Rs. 290-475, though the scale of that post was only Rs. 250-475; but according to them they shall be paid the proportionate salary due to them with effect from 1-11-1971 upto the date of their promotion upholding their seniority above that of Nos. 4, 5, and 7. The inter se seniority as per the list of promotees in the cadre of Basic Stenographers cannot be changed. Similarly in spite of the cadre of Grade II Stenographers that by itself will not also alter the existing position either from the present promotion or for any future promotion based upon seniority.

6. So, the promotion of Nos. 4, 5 and 7 with effect from 1-11-1971 shall be deemed to be as Head Typists on the scale of pay of Rs. 290-475 and they will have no claim for seniority above that of Nos. 1, 2, 3 and 6 in the cadre of Grade II Stenographers on account of their promotion to that cadre with effect from 1-11-1971. However, I find no ground to award any monetary benefit to Nos. 1, 2, 3 and 6 because they had no chance for promotion before 1-5-1972 in the case of No. 1 and before 1-4-1974 in the case of Nos. 2, 3 and 6. At any rate the inter se seniority of Nos. 1 to 7 as held in the cadre of Basic Stenographers or in the cadre of Grade II Stenographers is not in any manner affected.

7. It is contended that Nos. 25 to 28 in the list of Basic Stenographers are senior to Nos. 1, 2, 3 and 7 and that they would have also got the same benefit along with Nos. 1, 2, 3 and 7 under the Award to be passed. Notice under Section 18 had been issued to those persons. So they would also be entitled to the same benefits as Nos. 1, 2, 3 and 7 under the Award.

8. In the result, an award is passed in favour of the workmen specified in the Reference that the Port Trust is justified in blocking their promotion by ear-marking three posts of Grade II Stenographers in favour of their juniors working in the same cadre of Basic Stenographers; that those three employees (Nos. 4, 5 and 7 in the Chart) shall be deemed to be officiating in the post of Head Typists with effect from 1-11-1971 on a scale to be fixed by the Port Trust at Rs. 290-475 until they are absorbed otherwise of promoted to the Cadre I Stenographers, holding further that the services of those three employees (Nos. 4, 5 and 7) in the cadre of Grade II Stenographers shall not be counted for seniority with effect from 1-11-1971 as against the employees mentioned in the Reference.

Dated, Calcutta,
The 8th September, 1976.

E. K. MOIDU, Presiding Officer
[No. L-32012(26)/75-D.IV(A)]

NAND LAL, Desk Officer

धम मंत्रालय

नई दिल्ली, 16 सितम्बर, 1976

का० आ० 3502.—मैसर्स ग्रीनिएंट लांगमैन लिमिटेड, 17-चित्ररंजन एवेन्यू कलकत्ता-13 (जिसे इसमें इसके पश्चात् उक्त स्थापन कहा गया है) ने कर्मचारी भविष्य निधि और प्रकीर्ण उपबंध अधिनियम, 1952 (1952 का 19) (जिसे इसमें इसके पश्चात् उक्त अधिनियम कहा गया है) की धारा 17 की उपधारा (1) के खण्ड (क) के अधीन छूट देने के लिए आवेदन किया है ;

और केन्द्रीय सरकार की राय में अभिदाय की वरों की बाबत उक्त स्थापन के भविष्य निधि नियम उसके कर्मचारियों के लिए उन नियमों से कम अनुकूल नहीं है जो उक्त अधिनियम की धारा 6 में विनिर्दिष्ट हैं, और कर्मचारी कर्मचारी भविष्य निधि की अन्य प्रसुविधाओं का भी उपयोग कर रहे हैं जो उन प्रसुविधाओं से कम अनुकूल नहीं हैं, जो, उम्मी प्रकार के किसी अन्य स्थापन के कर्मचारियों के संबंध में, उक्त अधिनियम के अधीन और कर्मचारी भविष्य निधि स्कीम 1952 (जिसे इसमें इसके पश्चात् उक्त स्कीम कहा गया है) के अधीन प्रपेक्षित है ;

अतः, अब, उक्त अधिनियम की धारा 17 की उपधारा (1) के खण्ड (क) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए और इसके उपबन्ध अनुसूची में विनिर्दिष्ट शर्तों के अधीन रखते हुए, केन्द्रीय सरकार उक्त स्थापन को उक्त स्कीम के सभी उपबंधों के प्रवर्तन से छूट देती है।

अनुसूची

1. उक्त स्थापन से सम्बद्ध नियोजक, निरीक्षण के लिए ऐसी सुविधाएं प्रदान करेगा और ऐसे निरीक्षण प्रभार का प्रत्येक मास के अन्त के 15 दिन के भीतर संचाय करेगा जो केन्द्रीय सरकार, उक्त अधिनियम की धारा 17 की उपधारा (3) के खण्ड (क) के अधीन विनिर्दिष्ट करे।

2. उक्त स्थापन से सम्बद्ध नियोजक —

(i) भविष्य निधि अभिदायों के विनिर्धान की बाबत उक्त अधिनियम की धारा 17 की उपधारा (3) के खण्ड (क) के अधीन समय समय पर केन्द्रीय सरकार द्वारा जारी कि गए निर्देशों का पालन करेगा।

(ii) यह ध्यान रखने के लिए सम्यक सावधानी बरतेगा कि उक्त स्थापन की बाबत गठित न्यासी बोर्ड भविष्य निधि अभिदायों का विनिर्धान समय-समय पर केन्द्रीय सरकार द्वारा जारी किये गए निर्देशों के अनुसार करता है और उक्त न्यासी बोर्ड द्वारा भविष्य निधि अभिदायों के विनिर्धान के लिए उत्तरदायी ;

3. नियोजक प्रादेशिक भविष्य निधि आयुक्त को ऐसी विवरणियां भेजेगा, जिन्हें केन्द्रीय सरकार समय-समय पर विनिर्दिष्ट करे।

4. नियोजक प्रत्येक कर्मचारी को वार्षिक लेखा विवरण या पासबुक भेजेगा।

5. निधि के प्रशासन, जिसमें लेखाओं का बंताये रखना, लेखाओं और विवरणियों का भेजा जाना, संचयों का अन्तरण, निरीक्षण प्रभारों आदि का संचाय सम्मिलित है, में होने वाले सभी व्ययों का वहन नियोजक द्वारा किया जाएगा।

6. नियोजक प्रति वर्ष हर एक सदस्य के खाते में ऐसी दर पर जो न्यासी बोर्ड अवधारित करे व्याज जमा कर देगा और ऐसी दर उस दर से कम नहीं होगी जो समय-समय पर केन्द्रीय सरकार द्वारा अवधारित की जाए।

7. नियोजक केन्द्रीय सरकार द्वारा निधि के नियमों की एक प्रति स्थापन के सूचना पट्ट पर प्रदर्शित करेगा और जब कभी उनमें संशोधन किया जाएगा तब कर्मचारियों की बहुसंख्या की भाषा में उसकी मुख्य बातों का अनुवाद भी प्रदर्शित करेगा।

8. यदि कोई ऐसा कर्मचारी, जो कर्मचारी भविष्य निधि (कानूनी निधि) या छूट प्राप्त किसी अन्य स्थापन की भविष्य निधि का पहले ही से सदस्य है, उसके स्थापन में नियोजित होता है तो नियोजक स्थापन की निधि के मस्य के रूप में उसका नाम तुरन्त ही दर्ज करेगा और ऐसे कर्मचारी की बाबत उसके पिछले गंचियों को स्वीकार करके उन्हें उसके खाते में जमा करेगा।

9. यदि उम वर्ग के स्थापनों के लिए, जिसमें नियोजक का स्थान आता है, भविष्य निधि के अभिदायों की दर उक्त अधिनियम के अधीन बढ़ा दी जाए तो नियोजक भविष्य निधि के अभिदायों की दर समुचित रूप से बढ़ा देगा ताकि स्थापन की भविष्य निधि स्कीम के अधीन की प्रसुविधाएं उन प्रसुविधाओं से कम अनुकूल न हो जाएं जिनकी व्यवस्था उक्त अधिनियम के अधीन है।

10. स्थापन अपने भविष्य निधि का संपरीक्षित तुलनपत्र हर वर्ष प्रादेशिक भविष्य निधि आयुक्त को वर्षान्त के तीन मास के भीतर भेजेगा।

11. स्थापन के भविष्य निधि नियमों में किसी बात के होते हुए भी, यदि किसी सदस्य को उस स्थापन का कर्मचारी न रह जाने की दशा में देय रकम अथवा किसी अन्य स्थापन को उसका स्थानान्तरण हो जाने

पर अन्तरणीय रकम जो कि नियोजक और कर्मचारियों के अभिदाय के रूप में तथा उस पर व्याज और उसके अतिरिक्त वह रकम भी, यदि कोई हो, जो उपदान या पेंशन नियमों के अधीन देय है, कुल मिलाकर यदि उस रकम से कम है जो नियोजक और कर्मचारी के अभिदाय के रूप में तथा उस पर व्याज के रूप में उस वषा में देय होती जब कर्मचारी, कर्मचारी भविष्य निधि स्कीम, 1952 के अधीन भविष्य निधि का सदस्य होता, तो नियोजक इन रकमों के अन्तर के बराबर रकम सदस्य को क्षतिपूर्ति के रूप में अथवा विशेष अभिदाय के रूप में संदत्त करेगा।

12. भविष्य निधि नियमों में कोई भी संशोधन प्रादेशिक भविष्य निधि आयुक्त के पूर्व अनुमोदन के बिना नहीं किया जाएगा और जहां किसी संशोधन से कर्मचारियों के हितों पर प्रतिकूल प्रभाव पड़ना संभाव्य हो वहां प्रादेशिक भविष्य निधि आयुक्त, पश्चिमी बंगाल अनुमोदन करने से पूर्व, कर्मचारियों को अपना दृष्टिकोण स्पष्ट करने का युक्तियुक्त अवसर देगा।

[मं० एन० 35014(13)/74-पी एफ II]

New Delhi, the 16th September, 1976

S.O. 3502.—Whereas Messrs Orient Longman Limited, 17 Chitranjan Avenue, Calcutta 13 (hereinafter referred to as the said establishment) has applied for exemption under clause (a) of sub-section (1) of section 17 of the Employees' Provident Funds and Miscellaneous Provisions Act, 1952 (19 of 1952);

And Whereas in the opinion of the Central Government rules of the provident fund of the said establishment with respect to the rates of contribution are not less favourable to the employees therein than those specified in section 6 of the said Act, and the employees are also in enjoyment of other provident fund benefits which on the whole are not less favourable to the employees than the benefits provided under the said Act or under the Employees' Provident Funds Scheme 1952 (hereinafter referred to as the said Scheme) in relation to the employees in any other establishment of a similar character;

Now, therefore, in exercise of the powers conferred by clause (a) of sub-section (1) of section 17 of the said Act, and subject to the conditions specified in the Schedule annexed hereto, the Central Government hereby exempts the said establishment from the operation of all the provisions of the said scheme.

SCHEDULE

1. The employer in relation to the said establishment shall provide for such facilities for inspection and pay such inspection charges as the Central Government may, from time to time, direct under clause (a) of sub-section (3) of section 17 of the Employees' Provident Funds and Miscellaneous Provisions Act, 1952 (19 of 1952), within 15 days from the close of every month.

2. The employer in relation to the said establishment—

(i) shall comply with the directions issued by the Central Government, from time to time, under clause (a) of sub-section (3) of section 17 of the said Act in regard to the investment of provident fund contributions; and

(ii) shall take due care to see that the Board of Trustees constituted in respect of the establishment invest the provident fund contributions in accordance with the directions issued by the Central Government, from time to time, and shall be responsible for such investment of the provident fund contributions by the said Board of Trustees.

3. The employer shall submit such returns to the Regional Provident Fund Commissioner as the Central Government may, from time to time, direct.

4. The employer shall furnish to each employee an annual Statement of account or Pass Book.

5. All expenses involved in the administration of the fund including the maintenance of accounts, submission of ac-

counts and returns, transfer of accumulations, payment of inspection charges, etc., shall be borne by the employer.

6. The employer shall credit, every year to the account of each member interest at such rates as may be determined by the Board of Trustees, and such rate shall not be less than the one determined by the Central Government from time to time.

7. The employer shall display on the notice board of the establishment a copy of the rules of the fund as approved by the appropriate Government and, as and when amended, alongwith a translation of the salient points thereof in the language of the majority of the employees.

8. Where an employee who is already member of the Employees' Provident fund (Statutory Fund) or the provident fund of another exempted establishment is employed in his establishment, the employer shall immediately enrol him as a member of the fund of the establishment, and accept the past accumulations in respect of such employee and credit to his account.

9. The employer shall enhance the rate of provident fund contribution appropriately if the rate of provident fund contributions for the class of establishments in which his establishment falls is enhanced under the Employees' Provident Funds and Miscellaneous Provisions Act, 1952 (19 of 1952) so that the benefits under the provident fund scheme of the establishment shall not become less favourable than the benefit provided under the said Act.

10. The establishment shall submit an audited balance sheet of its provident fund every year to the Regional Commissioner within three months of the close of the year.

11. Notwithstanding anything contained in the Provident Fund Rules of the establishment if the amount payable to any member, upon his ceasing to be an employee of the establishment or transferable on his transfer to any other establishment, by way of employers' and employees' contributions plus interest thereon taken together with the amount if any, payable under the Gratuity or Pension Rules, be less than the amount that would be payable as employer's and employees' contributions plus interest thereon, if he were a member of the Provident Fund under the Employees' Provident Fund Scheme, 1952 the employer shall pay the difference to the member as Compensation or Special Contribution.

12. No amendment of the rules of the provident fund shall be made without the previous approval of the Regional Provident Fund Commissioner and where any amendment is likely to affect adversely the interest of the employees, the Regional Provident Fund Commissioner, West Bengal shall, before giving his approval, give a reasonable opportunity to the employees to explain their point of view.

[No. S. 35014/13/74-PF-II]

का० आ० 3503.—मैसर्स सेंसुसरी एन्का लिमिटेड, डाकघर भोसारी पुता-26. (जिसे इसमें इसके पश्चात् उक्त स्थापन कहा गया है) ने कर्मचारी भविष्य निधि और प्रकीर्ण उपबंध अधिनियम, 1952 (1952 का 19) (जिसे इसमें इसके पश्चात् उक्त अधिनियम कहा गया है) की धारा 17 की उपधारा (1) के खण्ड (क) के अधीन छूट देने के लिए आवेदन किया है ;

और केन्द्रीय सरकार की राय में अभिदाय की दरों की बाबत उक्त स्थापन के भविष्य निधि नियम उसके कर्मचारियों के लिए उन नियमों से कम अनुकूल नहीं हैं जो उक्त अधिनियम की धारा 6 में विनिर्दिष्ट हैं, और कर्मचारी, कर्मचारी भविष्य निधि की अन्य प्रसुविधाओं का भी उपयोग कर रहे हैं जो उन प्रसुविधाओं से कम अनुकूल नहीं हैं, जो, उगी प्रकार के किसी अन्य स्थापन के कर्मचारियों के संबंध में उक्त अधिनियम के अधीन और कर्मचारी भविष्य निधि स्कीम 1952 (जिसे इसमें इसके पश्चात् उक्त स्कीम कहा गया है) के अधीन उपबंधित हैं ;

अतः, अब, उक्त अधिनियम की धारा 17 की उपधारा (1) के खण्ड (क) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए और इसमें उपाबद्ध अनुसूची में विनिर्दिष्ट शर्तों के अधीन रहते हुए, केन्द्रीय सरकार उक्त स्थापन को उक्त स्कीम के सभी उपबंधों के प्रवर्तन से छूट देती है।

अनुसूची

1. उक्त स्थापन से सम्बद्ध नियोजक, निरीक्षण के लिए ऐसी सुविधाएं प्रदान करेगा और ऐसे निरीक्षण प्रभार का प्रत्येक मास के अंत के 15 दिन के भीतर संदाय करेगा जो केन्द्रीय सरकार, उक्त अधिनियम की धारा 17 की उपधारा (3) के खंड (क) के अधीन निर्दिष्ट करे।

2. उक्त स्थापन से सम्बद्ध नियोजक—

(i) भविष्य निधि अभिदायों के विनिधान की बाबत उक्त अधिनियम की धारा 17 की उपधारा (3) के खंड (क) के अधीन समय-समय पर केन्द्रीय सरकार द्वारा जारी किए गए निर्देशों का पालन करेगा ;

(ii) यह ध्यान रखने के लिए सम्यक सावधानी बरसेगा कि उक्त स्थापन की बाबत गठित न्यासी बोर्ड भविष्य निधि अभिदायों का विनिधान समय-समय पर केन्द्रीय सरकार द्वारा जारी किए गए निर्देशों के अनुसार करता है और उक्त न्यासी बोर्ड द्वारा भविष्य निधि अभिदायों के विनिधान के लिए उत्तर दायी ;

3. नियोजक प्रादेशिक भविष्य निधि आयुक्त को ऐसी विवरणियां भेजेगा। जिन्हें केन्द्रीय सरकार समय-समय पर निर्दिष्ट करे।

4. नियोजक प्रत्येक कर्मचारी को वार्षिक लेखा विवरण या पास बुक भेजेगा।

5. निधि के प्रशासन, जिसमें लेखाओं का बनाए रखना, लेखाओं और विवरणियों का भेजा जाना, संचयों का अन्तर्गण, निरीक्षण प्रभारों आदि का संवाय सम्मिलित है, में होने वाले सभी व्ययों का वहन नियोजक द्वारा किया जाएगा।

6. नियोजक प्रति वर्ष हर एक सदस्य के खाते में ऐसी दर पर जो न्यासी बोर्ड श्रवधारित करे व्याज जमा कर देगा और ऐसी दर उस दर से कम नहीं होगी जो समय-समय पर केन्द्रीय सरकार द्वारा श्रवधारित की जाए।

7. नियोजक केन्द्रीय सरकार द्वारा निधि के नियमों की एक प्रति स्थापन के सूचना पट्ट पर प्रदर्शित करेगा और जब कभी उनमें संशोधन किया जाएगा तब कर्मचारियों की बहुसंख्या की भाषा में उसकी मुख्य बातों का अनुवाद भी प्रदर्शित करेगा।

8. यदि कोई ऐसा कर्मचारी, जो कर्मचारी भविष्य निधि (कानूनी निधि) या छूट प्राप्त किसी अन्य स्थापन की भविष्य निधि का पहले ही से सदस्य है, उसके स्थापन में नियोजित होता है तो नियोजक स्थापन के निधि के सदस्य के रूप में उसका नाम तुरन्त ही दर्ज करेगा और ऐसी कर्मचारी के बाबत उसके पिछले संचयों को स्वीकार करके उन्हें उस के खाते में जमा करेगा।

9. यदि उस वर्ग के स्थापनों के लिए, जिसमें नियोजक का स्थान आता है भविष्य निधि के अभिदायों की दर उक्त अधिनियम के अधीन बढ़ा दी जाए तो नियोजक भविष्य निधि के अभिदायों की दर समुचित रूप से बढ़ा देगा ताकि स्थापन की भविष्य निधि स्कीम के अधीन की प्रसु-विधाएं उन प्रसुविधाओं से कम अनुकूल न हो जाएं जिनकी व्यवस्था उक्त अधिनियम के अधीन है।

10. स्थापन अपने भविष्य निधि का संपरीक्षित तुलनपत्र हर वर्ष प्रादेशिक भविष्य निधि आयुक्त को वर्षान्त के तीन मास के भीतर भेजेगा।

11. स्थापन के भविष्य निधि नियमों में किसी बात के होते हुए भी, यदि किसी सदस्य को उस स्थापन का कर्मचारी न रह जाने की वशा में देय रकम अथवा किसी अन्य स्थापन को उसका स्थानान्तरण हो जाने पर अन्तरणीय रकम जो कि नियोजक और कर्मचारियों के अभिदाय के रूप में तथा उस पर व्याज और उसके अतिरिक्त वह रकम भी, यदि कोई हो,

जो उपदान या पेंशन नियमों के अधीन देय है, कुल मिलाकर यदि उस रकम से कम है जो नियोजक और कर्मचारी के अभिदाय के रूप में तथा उस पर व्याज के रूप में उस वशा में देय होती जब कर्मचारी, कर्मचारी भविष्य निधि स्कीम, 1952 के अधीन भविष्य निधि का सदस्य होता, तो नियोजक इन रकमों के अन्तर के बराबर रकम सदस्य को अतिपूर्ति के रूप में अथवा विशेष अभिदाय के रूप में संदत्त करेगा।

12. भविष्य निधि नियमों में कोई भी संशोधन प्रादेशिक भविष्य निधि आयुक्त के पूर्ण अनुमोदन के बिना नहीं किया जाएगा और जहां किसी संशोधन से कर्मचारियों के हितों पर प्रतिकूल प्रभाव पड़ना संभाव्य हो वहां प्रादेशिक भविष्य निधि आयुक्त, महाराष्ट्र अनुमोदन करने से पूर्व, कर्मचारियों को अपना वृष्टिकोण स्पष्ट करने का सुवित्तयुक्त अवसर देगा।

[सं० एम० 35014/14/74-पी० एफ० II]

S.O. 3503.—Whereas Messrs Century Enka Limited P.O. Bhosari, Poona-26, (hereinafter referred to as the said establishment) has applied for exemption under clause (a) of sub-section (1) of section 17 of the Employees' Provident Funds and Miscellaneous Provisions Act, 1952 (19 of 1952);

And whereas in the opinion of the Central Government, the rules of the provident fund of the said establishment with respect to the rates of contribution are not less favourable to the employees therein than those specified in section 6 of the said Act, and the employees are also in enjoyment of other provident fund benefits which on the whole are not less favourable to the employees than the benefits provided under the said Act or under the Employees' Provident Funds Scheme, 1952 (hereinafter referred to as the said Scheme) in relation to the employees in any other establishment of a similar character;

Now, therefore, in exercise of the powers conferred by clause (a) of sub-section (1) of section 17 of the said Act, and subject to the conditions specified in the Schedule annexed hereto, the Central Government hereby exempts the said establishment from the operation of all the provisions of the said Scheme.

SCHEDULE

1. The employer in relation to the said establishment shall provide for such facilities for inspection and pay such inspection charges as the Central Government may, from time to time, direct under clause (a) of sub-section (3) of section 17 of the Employees Provident Funds and Miscellaneous Provisions Act, 1952 (19 of 1952), within 15 days from the close of every month.

2. The employer in relation to the said establishment—

(i) shall comply with the directions issued by the Central Government, from time to time, under clause (a) of sub-section (3) of section 17 of the said Act in regard to the investment of provident fund contributions; and

(ii) shall take due care to see that the Board of Trustees constituted in respect of that establishment invest the provident fund contributions in accordance with the directions issued by the Central Government, from time to time, and shall be responsible for such investment of the provident fund contributions by the said Board of Trustees.

3. The employer shall submit such returns to the Regional Provident Fund Commissioner as the Central Government may, from time to time direct.

4. The employer shall furnish to each employee an annual Statement of account or Pass Book.

5. All expenses involved in the administration of the fund including the maintenance of accounts, submission of accounts and returns, transfer of accumulations, payment of inspection charges etc., shall be borne by the employer.

6. The employer shall credit, every year to the account of each member interest at such rates as may be determined by the Board of Trustees, and such rate shall not be less than the one determined by the Central Government from time to time.

7. The employer shall display on the notice Board of the establishment a copy of the rules of the fund as approved by the appropriate Government and, as and when amended, alongwith a translation of the salient points thereof in the language of the majority of the employees.

8. Where an employee who is already member of the Employees' Provident Fund (Statutory Fund) or the provident fund of another exempted establishment is employed in his establishment, the employer shall immediately enrol him as a member of the fund of the establishment, and accept the past accumulations in respect of such employee and credit to his account.

9. The employer shall enhance the rate of provident fund contribution appropriately if the rate of provident fund contributions for the class of establishments in which his establishment falls is enhanced under the Employees' Provident Funds and Miscellaneous Provisions Act, 1952 (19 of 1952) so that the benefit under the Provident Fund Scheme of the establishment shall not become less favourable than the benefit provided under the said Act.

10. The establishment shall submit an audited balance sheet of its provident fund every year to the Regional Commissioner within three months of the close of the year.

11. Notwithstanding anything contained in the provident fund rules of the establishment if the amount payable to any member, upon his ceasing to be an employee of the establishment or transferable on his transfer to any other establishment, by way of employers' and employees' contributions plus interest therein taken together with the amount, if any, payable under the Gratuity or Pension Rules, be less than the amount that would be payable as employer's and employees' contributions plus interest thereon, if he were a member of the Provident Fund under the Employees' Provident Fund Scheme, 1952, the employer shall pay the difference to the member as Compensation or Special Contribution.

12. No amendment of the rules of the provident fund shall be made without the previous approval of the Regional Provident Fund Commissioner and where any amendment is likely to affect adversely the interests of the employees, the Regional Provident Fund Commissioner, Maharashtra shall, before giving his approval, give a reasonable opportunity to the employees to explain their point of view.

[No. S 35014(14)/74-PF-II]

का० आ० 3504.—केन्द्रीय सरकार, कर्मचारी भविष्य निधि और विविध उपबन्ध अधिनियम, 1952 (1952 का 19) की धारा 13 की उपधारा (1) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, भारत सरकार के श्रम मंत्रालय की अधिसूचना सं० का० आ० 49 तारीख 24 दिसम्बर, 1973 को, जहाँ तक उसका सम्बन्ध श्री बी० के० गोगटे से है, विखण्डित करती है।

[सं० ए-12015/7/71 पी० एफ० I]

S.O. 3504.—In exercise of the powers conferred by sub-section (1) of section 13 of the Employees' Provident Funds and Miscellaneous Provisions Act, 1952 (19 of 1952), the Central Government hereby rescinds the notification of the Government of India in the Ministry of Labour No. S.O. 49 dated the 24th December, 1973 so far as it relates to Shri B. K. Gogate.

[No. A-12015/7/71 PF. I]

का० आ० 3505.—केन्द्रीय सरकार कर्मचारी भविष्य निधि और विविध उपबन्ध अधिनियम, 1952 (1952 का 19) की धारा 13 की उपधारा (1) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए भारत सरकार के श्रम

मंत्रालय की अधिसूचना सं० का० आ० 1575 तारीख 7 मई, 1975 को, जहाँ तक इसका संबंध श्री के० सेथुमाधवन से है, विखण्डित करते हैं।

[सं० ए० 12016(2)/75-पी० एफ० I (पीटी)]

S.O. 3505.—In exercise of the powers conferred by sub-section (1) of section 13 of the Employees' Provident Funds and Miscellaneous Provisions Act, 1952 (19 of 1952), the Central Government hereby rescinds the notification of the Government of India in the Ministry of Labour S.O. No. 1575 dated the 7th May, 1975 in so far as it relates to Shri K. Sethumadhavan.

[No. A-12016(2)/75-PF.I(Pt.)]

का० आ० 3506.—कर्मचारी भविष्य निधि अधिनियम, 1952 (1952 का 19) की धारा 13 की उपधारा (1) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए और भारत सरकार के भूतपूर्व श्रम और रोजगार मंत्रालय की अधिसूचना सं० का० आ० 1509 तारीख 27-5-1963 को, अधिकांश करते हुए केन्द्रीय सरकार श्री के० जी० नारंग को उक्त अधिनियम और उसके अधीन धरित कुटुम्ब पेंशन स्कीम के प्रयोजनों के लिए केन्द्रीय सरकार के या उसके नियंत्रणाधीन किसी स्थापन के संबंध में या किसी रेल कम्पनी, महापत्तन, खान या तेल क्षेत्र या नियंत्रित उद्योग से संबंधित किसी स्थापन के संबंध में या ऐसे स्थापन जिसमें विभाग या शाखाएं एक से अधिक राज्यों में हों, के संबंध में सम्पूर्ण कर्नाटक राज्य के लिए निरीक्षक नियुक्त करती है।

[सं० 20(36)/63-पी एफ I (पीटी)]

S.O. 3506.—In exercise of the powers conferred by sub-section (1) of section 13 of the Employees' Provident Funds and Miscellaneous Provisions Act, 1952 (19 of 1952), and in supersession of the notification of the Government of India in the late Ministry of Labour and Employment No. S.O. 1509 dated 27-5-1963, the Central Government hereby appoints Shri K. G. Narang to be an Inspector for the whole of the State of Karnataka for the purposes of the said Act, the Scheme and the Family Pension Scheme framed thereunder in relation to any establishment belonging to, or under the control of the Central Government or in relation to any establishment connected with a railway company, a major port, a mine or an oilfield or a controlled industry or in relation to an establishment having departments or branches in more than one State.

[No. 20 (36)/63-PF.I (Pt.)]

का० आ० 3507.—कर्मचारी भविष्य निधि और विविध उपबन्ध अधिनियम, 1952 (1952 का 19) की धारा 13 की उपधारा (1) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए केन्द्रीय सरकार श्री एम० एल० मीना को उक्त अधिनियम, स्कीम और उसके अधीन धरित कुटुम्ब पेंशन स्कीम के प्रयोजनों के लिए केन्द्रीय सरकार के या उसके नियंत्रणाधीन किसी स्थापन के संबंध में या किसी रेल कम्पनी, महापत्तन, खान या तेल-क्षेत्र या नियंत्रित उद्योग से संबंधित किसी स्थापन के संबंध में या किसी ऐसे स्थापन के संबंध में जिसके एक से अधिक राज्य में विभाग या शाखाएं हों, सम्पूर्ण बिहार राज्य के लिए निरीक्षक नियुक्त करती है।

[सं० ए० 12016/8/76-पी० एफ० I]

S.O. 3507.—In exercise of the powers conferred by sub-section (1) of section 13 of the Employees' Provident Funds and Miscellaneous Provisions Act, 1952 (19 of 1952), the Central Government hereby appoints Shri M. L. Meena to be an Inspector for the whole of the State of Bihar for the purposes of the said Act, the Scheme and the Family Pension Scheme framed thereunder in relation to any establishment belonging to, or under the control of, the Central Government or in relation to any establishment connected with a railway company, a major port, a mine or an oilfield or a controlled industry or in relation to an establish-

ment having departments or branches in more than one State.

[No. A-12016(8)/76-PF. I]

का० आ० 3508.—कर्मचारी भविष्य निधि और विविध उपबन्ध अधिनियम, 1952 (1952 का 19) की धारा 13 की उपधारा (1) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए और भारत सरकार के श्रम मंत्रालय की अधिसूचना सं० का० आ० 2613 तारीख 24-7-1975 को, जहाँ तक इसका संबंध श्री पी० जे० त्रिवेदी से है, अधिक्रान्त करते हुए केन्द्रीय सरकार एतद्वारा श्री बी० सी० रंगप्पा को उक्त अधिनियम, स्कीम और उसके अधीन विरचित कुटुम्ब पेंशन स्कीम के प्रयोजनों के लिए केन्द्रीय सरकार के या उसके नियंत्रणाधीन किसी स्थापन के संबंध में या किसी रेल कम्पनी, महापत्तन, खान या तेल क्षेत्र या नियंत्रित उद्योग से संबंधित किसी स्थापन के संबंध में या किसी ऐसे स्थापन के सम्बन्ध में, जिसकी एक से अधिक राज्य में शाखाएं हैं, सम्पूर्ण गुजरात राज्य के लिए निरीक्षक नियुक्त करती है।

[सं० ए० 12016(8)/74-पी० एफ-1]

S.O. 3508.—In exercise of the powers conferred by sub-section (1) of section 13 of the Employees' Provident Funds and Miscellaneous Provisions Act, 1952 (19 of 1952), and in supersession of the notification of the Government of India in the Ministry of Labour No. S.O. 2613 dated the 24-7-1975, in so far as it relates to Shri P. G. Trivedi, the Central Government hereby appoints Shri V. C. Rangappa to be an Inspector for the whole of the State of Gujarat for the purposes of the said Act, the Scheme and the Family Pension Scheme framed thereunder in relation to any establishment belonging to, or under the control of, the Central Government or in relation to any establishment connected with a railway company, a major port, a mine or an oilfield or a controlled industry or in relation to an establishment having departments or branches in more than one State.

[No. A-12016(8)/74-PF. I]

का० आ० 3509.—कर्मचारी भविष्य निधि और विविध उपबन्ध अधिनियम, 1952 (1952 का 19) की धारा 13 की उपधारा (1) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए केन्द्रीय सरकार श्री डी० हमरोज और एम० जोसेफ पुष्पम् को उक्त अधिनियम, स्कीम और उसके अधीन विरचित किसी कुटुम्ब पेंशन स्कीम के प्रयोजनों के लिए केन्द्रीय सरकार के या उसके नियंत्रणाधीन किसी स्थापन के संबंध में या किसी रेल कम्पनी, महापत्तन, खान या तेल या नियंत्रित उद्योग से संबंधित किसी स्थापन के संबंध में या किसी ऐसे स्थापन के संबंध में जिसके एक से अधिक राज्य में विभाग या शाखाएं हों, सम्पूर्ण महाराष्ट्र राज्य के लिए निरीक्षक नियुक्त करती है।

[सं० 12016(9)/76-पी० एफ०-1 (पीटी)]

S.O. 3509.—In exercise of the powers conferred by sub-section (1) of section 13 of the Employees' Provident Funds and Miscellaneous Provisions Act, 1952 (19 of 1952), the Central Government hereby appoints Sarvashri D. Emarose and M. Joseph Pushpam to be Inspectors for the whole of the State of Maharashtra for the purposes of the said Act, the scheme and the family pension scheme framed thereunder in relation to any establishment belonging to, or under the control of, the Central Government or in relation to any establishment connected with a railway company, a major port, a mine or an oilfield or a controlled industry or in relation to an establishment having departments or branches in more than one State.

[No. A. 12016(9)/76-PF. I(pt.)]

का० आ० 5310.—कर्मचारी भविष्य निधि और कुटुम्ब पेंशन निधि अधिनियम, 1952 (1952 का 19) की धारा 13 की उपधारा (1) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए केन्द्रीय सरकार श्री० के० आर० गोविन्दराजुलू को उक्त अधिनियम, स्कीम और उसके अधीन विरचित कुटुम्ब पेंशन स्कीम के प्रयोजनों के लिए केन्द्रीय सरकार के या उसके

नियंत्रणाधीन किसी स्थापन के संबंध में या किसी रेल कम्पनी, महापत्तन, खान या तेल-क्षेत्र या नियंत्रित उद्योग से संबंधित किसी स्थापन के संबंध में या किसी ऐसे स्थापन के संबंध में जिसके एक से अधिक राज्य में विभाग या शाखाएं हों, सम्पूर्ण महाराष्ट्र राज्य और गोवा, दमन और दीव संघ राज्य क्षेत्र के लिए निरीक्षक नियुक्त करती है।

[सं० ए० 12016(9)/76-पी० एफ-1]

S.O. 3510.—In exercise of the powers conferred by sub-section (1) of section 13 of the Employees' Provident Funds and Miscellaneous Provisions Act, 1952 (19 of 1952), the Central Government hereby appoints Shri K. R. Govindarajulu to be an Inspector for the whole of the State of Maharashtra and Union territory of Goa Daman and Diu for the purposes of the said Act, the Scheme and the Family Pension Scheme framed thereunder in relation to any establishment belonging to, or under the control of, the Central Government or in relation to any establishment connected with a railway company, a major port, a mine or an oilfield or a controlled industry or in relation to an establishment having departments or branches in more than one State.

[No. A. 12016(9)/76-PF. I]

का० आ० 3511.—केन्द्रीय सरकार, कर्मचारी भविष्य निधि और विविध उपबन्ध अधिनियम, 1952 (1952 का 19) की धारा 13 की उपधारा (1) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, भारत सरकार के श्रम मंत्रालय की अधिसूचना सं० का० आ० 902 तारीख 22 मार्च, 1975 को विध्वण्डित करती है।

[सं० ए० 12016/2/75-पी० एफ-1]

S.O. 3511.—In exercise of the powers conferred by sub-section (1) of section 13 of the Employees' Provident Funds and Miscellaneous Provisions Act, 1952 (19 of 1952), the Central Government hereby rescinds the notification of the Government of India in the Ministry of Labour No. S. O. 902 dated the 22nd March, 1975.

[No. A-12016/2/75-PF. I]

का० आ० 2512.—कर्मचारी भविष्य निधि और विविध उपबन्ध अधिनियम, 1952 (1952 का 19) की धारा 13 की उपधारा (1) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए केन्द्रीय सरकार श्री के० सी० मोहम्मद कासिम को उक्त अधिनियम, स्कीम और उसके अधीन विरचित कुटुम्ब पेंशन स्कीम के प्रयोजनों के लिए केन्द्रीय सरकार के या उसके नियंत्रणाधीन किसी स्थापन के संबंध में या किसी रेल कम्पनी, महापत्तन, खान या तेल क्षेत्र या नियंत्रित उद्योग से संबंधित किसी स्थापन के संबंध में या किसी ऐसे स्थापन के संबंध में जिसके एक से अधिक राज्य में विभाग या शाखाएं हों, सम्पूर्ण महाराष्ट्र राज्य के लिए निरीक्षक नियुक्त करती है।

[सं० ए-12016(9)/76-पी० एफ-1 (पीटी)]

S.O. 3512.—In exercise of the powers conferred by sub-section (1) of section 13 of the Employees' Provident Funds and Miscellaneous Provisions Act, 1952 (19 of 1952), the Central Government hereby appoints Shri K. C. Mohamed Kasim to be an Inspector for the whole of the State of Maharashtra for the purposes of the said Act, the Scheme and the Family Pension Scheme framed thereunder in relation to any establishment belonging to, or under the control of, the Central Government or in relation to any establishment connected with a railway company, a major port, a mine or an oilfield or a controlled industry or in relation to an establishment having departments or branches in more than one State.

[No. A-12016(9)/76-PF. I(Pt.)]

का० आ० 3513.—केन्द्रीय सरकार कर्मचारी भविष्य निधि और विविध उपबन्ध अधिनियम, 1952 (1952 का 19) की धारा 13 की उपधारा (1) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए भारत सरकार के धर्म मंत्रालय की अधिसूचना सं० का० आ० 5210 तारीख 5 नवम्बर, 1975 को विरचित करती है।

[सं० ए०-12016/7/72-पी एफ-I]

S.O. 3513.—In exercise of the powers conferred by sub-section (1) of Section 13 of the Employees' Provident Funds and Miscellaneous Provisions Act, 1952 (19 of 1952) the Central Government hereby rescinds the notification of the Government of India in the Ministry of Labour No. S. O. 5210, dated the 5th November, 1975.

[No. A-12016(7)/72-PF.I]

का० आ० 3514.—कर्मचारी भविष्य निधि और विविध उपबन्ध अधिनियम, 1952 (1952 का 19) की धारा 13 की उपधारा (1) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए और भारत सरकार के भूतपूर्व धर्म और पुनर्वास (धर्म और रोजगार विभाग) मंत्रालय की अधिसूचना सं० का० आ० 2788 तारीख 8 जुलाई 1971 को, जहाँ तक इसका संबंध श्री तापधीर सेन से है, आंशिक रूप से अधिग्रहण करते हुए केन्द्रीय सरकार श्री निखिल रंजन बनर्जी को उक्त अधिनियम, स्कीम और उसके अधीन विरचित कुटुम्ब पेंशन स्कीम के प्रयोजनों के लिए केन्द्रीय सरकार के या उसके नियंत्रणाधीन किसी स्थापन के संबंध में या किसी रेल कंपनी, महापत्तन, खान या तेल क्षेत्र या नियंत्रित उद्योग से संबंधित किसी स्थापन के संबंध में या किसी ऐसे स्थापन के संबंध में जिसके विभाग या शाखाएं, एक से अधिक राज्यों में हों सम्पूर्ण पश्चिमी बंगाल राज्य के लिए निरीक्षक नियुक्त करती है।

[सं० ए-12016/1/76-पी० एफ०-I (पी टी 2)]

S.O. 3514.—In exercise of the powers conferred by sub-section (1) of section 13 of the Employees' Provident Funds and Miscellaneous Provisions Act, 1952 (19 of 1952), and in partial supersession of notification of the Government of India in the late Ministry of Labour and Rehabilitation (Department of Labour and Employment) No. S. O. 2788 dated the 8th July, 1971, in so far as it relates to Shri Tapadhir Sen, the Central Government hereby appoints Shri Nikhil Ranjan Banerjee to be an Inspector for the whole of the State of West Bengal for the purposes of the said Act, the scheme and the family pension scheme framed thereunder in relation to any establishment belonging to, or under the control of, the Central Government or in relation to any establishment connected with a railway company, a major port, a mine or an oilfield or a controlled industry or in relation to an establishment having departments or branches in more than one State.

[No. A-12016(1)/76-PF. I(Pt. ii)]

का० आ० 3515.—कर्मचारी भविष्य निधि और विविध उपबन्ध अधिनियम, 1952 (1952 का 19) की धारा 13 की उपधारा (1) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए केन्द्रीय सरकार सर्वे श्री धर्मवीर शर्मा और डी० आर० बत्रा की उक्त अधिनियम, स्कीम और उसके अधीन विरचित किसी कुटुम्ब पेंशन स्कीम के प्रयोजनों के लिए केन्द्रीय सरकार के या उसके नियंत्रणाधीन किसी स्थापन के संबंध में या किसी रेल कंपनी, खान या तेल क्षेत्र या नियंत्रित उद्योग से संबंधित किसी स्थापन के संबंध में या किसी ऐसे स्थापन के संबंध में जिसके एक से अधिक राज्य में विभाग या शाखाएं हों, सम्पूर्ण पंजाब, हरियाणा, हिमाचल प्रदेश राज्यों तथा बंटीगढ़ संघ राज्य क्षेत्र के लिए निरीक्षक नियुक्त करती है।

[सं० ए० 12016(5)/76-पी० एफ०-I (पी टी)]

S.O. 3515.—In exercise of the powers conferred by sub-section (1) of section 13 of the Employees' Provident Funds

and Miscellaneous Provisions Act, 1952 (10 of 1952) the Central Government hereby appoints Sarvashri Dharam Bir Sharma and D. R. Batra to be Inspectors for the whole of the State of Punjab, Haryana, Himachal Pradesh and the Union territory of Chandigarh for the purposes of the said Act, the Scheme and the Family Pension Scheme framed thereunder in relation to any establishment belonging to, or under the control of, the Central Government or in relation to any establishment connected with a railway company, a mine or an oilfield or a controlled industry or in relation to an establishment having departments or branches in more than one State.

[No. A-12016(5)/76-PF. I(Pt.)]

नई दिल्ली, 17 नवम्बर, 1976

का० आ० 3516.—कर्मचारी भविष्य निधि और विविध उपबन्ध अधिनियम, 1952 (1952 का 19) की धारा 13 की उपधारा (1) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए केन्द्रीय सरकार सर्वे श्री टी० के० स्टेफन और ए० एन० थनकप्पन की उक्त अधिनियम, स्कीम और उसके अधीन विरचित कुटुम्ब पेंशन स्कीम के प्रयोजनों के लिए केन्द्रीय सरकार के या उसके नियंत्रणाधीन किसी स्थापन के संबंध में या रेल कंपनी, महापत्तन खान या तेल-क्षेत्र या नियंत्रित उद्योग से संबंधित किसी स्थापन के संबंध में या किसी ऐसे स्थापन के संबंध में जिसके एक से अधिक राज्य में विभाग या शाखाएं हों, सम्पूर्ण पश्चिमी बंगाल राज्य और अन्धमान और निकोबार द्वीपसमूह के संघ राज्य क्षेत्रों के लिए निरीक्षक नियुक्त करती है।

[सं० ए-12016(1)/76-पी० एफ०-I (पी टी०)]

एस० एस० सहस्रानामन, उप सचिव

New Delhi, the 17th September, 1976

S.O. 3516.—In exercise of the powers conferred by sub-section (1) of section 13 of the Employees' Provident Funds and Miscellaneous Provisions Act, 1952 (19 of 1952), the Central Government hereby appoints Sarvashri T. K. Stephen and A. N. Thankappan to be Inspectors for the whole of the State of West Bengal and the Union territory of the Andaman and Nicobar Island for the purposes of the said Act, the scheme and the family pensions scheme framed thereunder in relation to any establishment belonging to, or under the control of, the Central Government or in relation to any establishment connected with a railway company, a major port, a mine or oilfield or a controlled industry or in relation to an establishment having departments or branches in more than one State.

[No. A-12016(1)/76-PF. I(Pt.)]

S. S. SAHASRANAMAN, Dy. Secy.

का० आ० 3517.—केन्द्रीय सरकार का समाधान हो गया है कि लोकहित में यह आवश्यक है कि जिक खनन उद्योग, जो कि औद्योगिक विवाद अधिनियम 1947 (1947 का 14) की पहली सूची में निदिष्ट है, उक्त अधिनियम के प्रयोजनों के लिए एक लोक उपयोगी सेवा घोषित किया जाना है।

अतः, अब, औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 2 के खण्ड (ब) के उपखण्ड (6) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए केन्द्रीय सरकार उक्त उद्योग को उक्त प्रयोजनों के लिए तत्काल प्रभाव से छः मास की अवधि के लिए लोक उपयोगी सेवा घोषित करती है।

[का० सं० एस-11011/13/76/डी 1 ए]

S.O. 3517.—Whereas the Central Government is satisfied that the public interest requires that the Zinc Mining Industry

which is specified in the First Schedule to the Industrial Disputes Act, 1947 (14 of 1947), should be declared to be a public utility service for the purposes of the said Act;

Now, therefore, in exercise of the powers conferred by sub-clause (vi) of clause (n) of section 2 of the Industrial Disputes Act, 1947 (14 of 1947) the Central Government hereby declares with immediate effect the said industry to be a public utility service for the purposes of the said Act for a period of six months.

[F. No. S-11011/13/76/DIA]

का० आ० 3518.—केन्द्रीय सरकार ने, यह समाधान हो जाने पर कि लोक हित में ऐसा करना अपेक्षित था, औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 2 के खण्ड 6 के उपखण्ड (vi) के उपबन्धों के अनुसरण में भारत सरकार के श्रम मंत्रालय की अधिसूचना संख्या का० आ० 1194, तारीख 20 मार्च, 1976 द्वारा ताँबे खनन उद्योग को उक्त अधिनियम के प्रयोजनों के लिए पहली अप्रैल, 1976 से छः मास की कालावधि के लिए लोक उपयोगी सेवा घोषित किया गया था;

और केन्द्रीय सरकार की राय है कि उक्त कालावधि को आगे छः मास की कालावधि के लिए बढ़ाया जाना लोक हित में अपेक्षित है;

अतः, अब, औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 2 के खण्ड 6 के उपखण्ड (vi) के परन्तुक द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए केन्द्रीय सरकार उक्त उद्योग को उक्त अधिनियम के प्रयोजनों के लिए पहली अप्रैल, 1976 से आगे छः मास की कालावधि के लिए लोक उपयोगी सेवा घोषित करती है।

[संख्या एस-11017/3/76-डी 1(ए)]

एल० के० नारायणन, डेस्क अधिकारी

S.O. 3518.—Whereas, the Central Government, having been satisfied that the public interest so required, had in pursuance of the provisions of sub-clause (vi) of clause (n) of section 2 of the Industrial Disputes Act, 1947 (14 of 1947), declared by the notification of the Government of India in the Ministry of Labour No. S. O. 1194 dated the 20th March, 1976, the Copper Mining Industry to be a public utility service for the purposes of the said Act, for a period of six months from the 1st April, 1976;

And whereas, the Central Government is of opinion that public interest requires the extension of the said period by a further period of six months;

Now, therefore, in exercise of the powers conferred by the proviso to sub-clause (vi) of clause (n) of section 2 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby declares the said industry to be a public utility service for the purposes of the said Act, for a further period of six months from the 1st October, 1976.

[No. S-11017/3/76/DI (A)]

L. K. NARAYANAN, Desk Officer.

New Delhi, the 20th September, 1976

S.O. 3519.—In pursuance of section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the following award of the Central Government Industrial Tribunal No. 1 Dhanbad, in the industrial dispute between the employers in relation to the management of Digwadih Colliery of Messrs Tata Iron and Steel Company Limited, Post Office Jealgora (Dhanbad) and their workmen, which was received by the Central Government on the 14th September, 1976.

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL NO. 1 AT DHANBAD

In the matter of a reference under Section 10(1)(d) of the Industrial Disputes Act, 1947.

Reference No. 7 of 1974

(Ministry's Order No. L-12012/8/74LRII, dated, 28-5-1974)

PARTIES :

Employers in relation to the management of Digwadih Colliery of Messrs Tata Iron and Steel Company Ltd., Post Office Jealgora (Dhanbad).

AND

Their workmen.

PRESENT :

Mr. Justice K. B. Srivastava (Retd.) Presiding Officer.

APPEARANCES :

For the Employers.—Shri S. S. Mukherjee, Advocate.

For the Workmen.—None.

STATE : Bihar

INDUSTRY : Coal.

Dhanbad, the 9th September, 1976

AWARD

The Central Government, in exercise of the powers conferred by clause (d) of sub-section (1) of section 10 of the Industrial Disputes Act, has, referred the following dispute to this Tribunal for adjudication :

"Whether the action of the management of Digwadih Colliery of Messrs Tata Iron and Steel Company Limited, Post Office Jealgora (Dhanbad) in extending the probation period of Sri Amarendra Kumar Mishra, Overman, after the expiry of three months particularly in the absence of any provision in that behalf in the Certified Standing Orders and also in terminating his service with effect from 1st April, 1973, that is to say, a month after the expiry of the extended probation period without calling for an explanation was justified? If not to what relief is the workman concerned entitled and since when."

2. In response to the notices issued after the receipt of the adjudication order, Shri S. P. Shukla, Secretary, Indian National Mines Overman, Sirdar and Short fifiers' Association (hereinafter referred to as the Association) filed a written statement on behalf of Shri Amarendra Kumar Mishra (hereinafter referred to as Sri Mishra). The management of the Digwadih Colliery of Messrs Tata Iron and Steel Company Limited (hereinafter referred to as the Company) filed its own written statement. The Association filed a rejoinder to the written statement of the Company and the Company filed a rejoinder to the written statement of the Association.

3. The Company owns six collieries, one of which is the Digwadih Colliery. The Chief Mining Engineer of the Company sent a letter of appointment (Ext. M-1) to Shri Mishra on 26th/27th May, 1972 appointing him as an overman in the Digwadih Colliery at a salary of Rs. 305/- per month in the grade of Rs. 305-15-440. The letter of appointment, inter alia, mentioned; "you will be in the first instance on probation for three months and thereafter will be confirmed in the post if your services are approved. You will not be entitled to any notice or notice pay if you are discharged from service during the probationary period.....Your service will be governed by rules in force at the colliery from time to time."

4. Shri Mishra accepted the terms and conditions mentioned in the letter of appointment and joined as an overman at the Digwadih colliery on June 1, 1972. The Company sent another letter (Ext. M-2) to Shri Mishra on 9/11th January, 1973 mentioning that the Company had watched his performance during the period of probation and found that the same has not been satisfactory and upto the mark. He had, however, been given another chances to improve his work and the probationary period has been extended by another six months from September 1, 1972 and that he will be considered for confirmation in the post provided his work and conduct are found satisfactory during this period, i.e., during the extended period of six months computed from September, 1, 1972 and ending on February 28, 1973. The Company then wrote the last letter Ext. M-3 dated 24/27th March, 1973 to Shri Mishra saying that his period of probation had been extended by six months from 1-9-72 to give him another opportunity for improvement in his performance and conduct; and in addition to that, he had been allowed another about one month to work on probation but even then his performance and conduct had not been satisfactory; and in the circumstances, his services stand terminated from 1-4-73 and he may draw his current dues from the office on 1-4-73. The Association raised an industrial dispute and when the Assistant

Labour Commissioner (Central) failed to patch up the differences between the parties, he submitted his failure report to the Ministry of Labour on February 8, 1974, resulting in this reference being made to this Tribunal on May 28, 1974.

5. The Association, in its written statement, has taken the following grounds to attack the extension of the period of probation and also the validity of the order of termination, namely: (1) that Shri Mishra had a diploma in Mining and Surveying and had obtained necessary certificates in gas-testing and First-Aid and also for the post of an overman; (2) that he had completed the probationary period of three months and stood automatically confirmed as an Overman as from September 1, 1972 as the period of probation had ended on August 31, 1972; (3) that the appointment letter mentioned that his services will be governed by rules in force at the colliery from time to time and these rules meant nothing else than the Certified Standing Orders; (4) that there was no provision in the Certified Standing Orders for extension of the period of probation; (5) that extension of the period of probation by another six months was in contravention of the Standing Orders; (6) that the performance and Conduct of Shri Mishra was satisfactory and there was nothing adverse against him and, therefore, the action of the Company in extending the period of probation was illegal and unjustified and was the result of malafides; (7) that no explanation was called for and no enquiry was held to entitle the Company to extend the period of probation; (8) that the Association organised meetings in the six collieries and was preparing to serve a strike notice on January 31, 1973 and Shri Mishra was a member of the Association; (9) that the termination of the services of Shri Mishra was in contravention of the Standing Orders and is based on malafides; (10) that the Association served a strike notice and there was a general strike from 19-2-73 to 26-2-73, and Shri Mishra attended meetings of the Association and also helped in collecting subscriptions and in organising meetings, and (11) that Shri Mishra's termination of service was the result of victimisation and unfair labour practice.

6. The prayer of the Association is that the Company's order extending the period of probation and terminating the service of Shri Mishra should be set aside and it be held that he stood automatically confirmed with effect from September 1, 1972 and should be reinstated with effect from April 1, 1973 with full back wages, bonus, allowance and all other benefits.

7. In its written statement, the Company has pleaded that Shri Mishra was appointed as a probationer for three months and there was a condition that he would be confirmed in the post if his services were approved; that his services were not found satisfactory during the period of probation of three months; that instead of terminating his service, the period of probation was extended by six months; that in spite of expiry of the extended period of probation he was allowed to continue on another period of trial for a month but his services were still found unsatisfactory and, therefore, the order of termination was passed dispensing with his services with effect from April 1, 1973; that the extension of the period of probation was not in contravention of the Standing Orders; that no probationer is entitled to automatic confirmation on the expiry of the period of probation; that his shortcomings were pointed out to him both verbally and in writing but he showed no improvement; that since the termination was not founded on any misconduct, no question of calling for an explanation did or could arise; and that the actions of the company were bonafide and not malafide.

8. In its rejoinder, the Association has averred that the terms and conditions imposed in the letter of appointment cannot over-ride the Certified Standing Orders and if such terms and conditions are in contravention of these Standing Orders, the provisions of the Standing Orders will prevail. The rest of the pleas taken in the rejoinder are mere repetitions of those advanced earlier in the written statement.

9. In its rejoinder, the Company has stated that no explanation was necessary to be called for in a case of a termination simpliciter; and that the strike was illegal and the termination was not the result of that strike. The rest of the rejoinder has no significance as it either reiterates the pleas taken in the written statement or controverts the facts already controverted.

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10. On May 11, 1976 notices were sent to both parties that the case will be taken up on June 28, 1976 for evidence and arguments. Shri S. S. Mukherjee appeared on June 28, 1976 but neither the Secretary of the Association nor the Association's counsel Shri Nonia appeared on that date. Notices were ordered to be sent to both of them that the case will be taken up on August 12, 1976 for evidence and arguments, but since I was out of station on that date the case was adjourned to September 1, 1976 for the same purpose and the Association and Shri Nonia were again informed by registered post about the change in date. On September 1, 1976, Shri S. S. Mukherjee appeared for the Company but the Association and Shri Nonia again remained absent, with the result that the hearing was made *ex parte*. Shri S. S. Mukherjee examined Ram Swarath Roy, a clerk in the Personnel Department of the Company, as MW-1 who proved the three letters Ext. M-1, M-2 and M-3 and a copy of the Certified Standing Orders, Ext. M-4. Shri S. S. Mukherjee also addressed arguments on the points in controversy.

11. A preliminary point raised by Shri S. S. Mukherjee is that after a period of 4 or 5 months after the termination of the period of probation on March 31, 1973, Shri Mishra came to be employed as an Assistant Manager, in a mine belonging to Eastern Coalfields Ltd. on a salary of over Rs. 500 p.m. and, therefore, he ceased to be a "workman", within the meaning of its definition under clause (s) of Section 2 of the Act and as such the reference has become infructuous and no award can be given in his favour. For this proposition of law, he has placed reliance on *Workmen vs. Greaves Cotton and Co. Ltd.*, 24 FIR. 126. I do not think that the decision of their Lordships of the Supreme Court in the case *Supra*, is of any help to the Company. In that case, it was clearly held that there is no gain-saying the fact that once a Tribunal is vested with the jurisdiction to entertain the dispute which is validly referred, it does not cease to continue that jurisdiction merely because the claim made goes beyond the wage which take workmen out of that category and make them non-workman. What has to be seen is whether on the date of the reference there was any dispute in respect of the workmen which could be referred under the Act to the Tribunal. The ratio of the decision, therefore, is that the crucial date for the purpose of determining the jurisdiction of a Tribunal to decide the question whether the person seeking his remedy is a "workman" or not, is not the date of adjudication by the Tribunal but the date of reference to it. There is no denying the fact that Shri Mishra was an Overman drawing a salary below Rs. 500 on the date of the reference, and, therefore, the reference was competent and the Tribunal has jurisdiction to decide the dispute on merits. Shri S. S. Mukherjee laid particular emphasis upon the sentence "Provided that at the time of adjudication, there are some atleast in the category who are workmen," occurring in the judgment referred to above, and urged that this gives an indication that it is necessary that at the time of adjudication also, there must be some who are workmen, even though others may not be workmen. The above observation of their Lordships of the Supreme Court has been torn out of context. Their Lordships were dealing with the contingency where the dispute in the Tribunal was between several workman, on one side, and the management, on the other, and the observation quoted above was in reference to such a situation. I may here refer to another decision of their Lordships of the Supreme Court in *All India Reserve Bank Employees' Association vs. Reserve Bank of India*, reported in 11 F.L.R. at page 137. Hidayatullah J. (as his Lordship then was), speaking for the Court, observed thus, on a similar matter:

"The Reserve Bank had further contended that a dispute could only be raised before the National Tribunal provided a workman continued to be a workman as defined. If the National Tribunal was asked to provide a scale of payment which would make the workman cease to be workman by reason of the award, the Reserve Bank contended, the National Tribunal had no jurisdiction to make such an award and the Reference itself would become incompetent. The relationship of employer and workman, so it was contended, must exist (a) at the time of the dispute, (b) at the time of the award and (c) during the currency of the award, otherwise the Reference and the consequent award would be without jurisdiction." His Lordship, while dealing with this contention, observed:

"The Reference in those circumstances was a valid reference and the National Tribunal was not right in ignoring that class altogether. Further, the National Tribunal was not justified in holding that if at a future time an incumbent would draw wage in the time scale in excess of Rs. 500, the matter must be taken to be withdrawn from the jurisdiction of the Central Government to make a reference in respect of him and the National Tribunal to be ousted of the jurisdiction to decide the dispute if referred. Supervisory staff drawing less than Rs. 500 per month cannot be debarred from claiming that they should draw more than Rs. 500 presently or at some future stage in their service. They can only be deprived of the benefits if they are non-workmen at the time they seek the protection of the Industrial Disputes Act." After these weighty pronouncements of the highest Court of the land, it is futile to contend that the reference has become infructuous and no award can be given. If the contention were to be accepted, social justice will come to naught. A workman may be entitled to a sizeable amount while he was a workman and, if during the pendency of the reference, he becomes a non-workman, all his legitimate dues must be disallowed, a thing which would be revolting to justice, equity and good conscience. I, therefore, over-rule this contention.

12. According to sub-clause (f) of clause (1) of the Standing Orders (Ext. M-4), there are 5 categories of employees; (1) Permanent, (2) probationers, (3) Badlis or substitutes, (4) temporary and (5) apprentices. According to sub-clause (g) of clause (1), a "permanent workman" is a workman who has been engaged on a permanent basis and includes any person who has satisfactorily completed a probationary period of three months in the same or another occupation in the industrial establishment, including breaks due to sickness, accident, leave, lock-out, strike (not being an illegal strike) or involuntary closure of the establishment. Under sub-clause (h) of clause (1), a "probationer" is one who is provisionally employed to fill a permanent vacancy and has not completed three months service in that post (rest of the definition is not material). The above are the provisions contained in the Certified Standing Orders to govern the question as to which workman is a probationer and which a permanent hand. The letter of appointment (Ext. M-1) says: "you will be in the first instance on probation for three months and thereafter will be confirmed in the post if your services are approved." Elsewhere, the letter further mentions: "Your service will be governed by the rules in force at the colliery from time to time." The learned counsel for the Company strenuously argued that under the Standing Orders, Shri Mishra remained a probationer throughout till the date of termination of his service; and the letter of appointment also stipulated that his appointment was in the first instance on probation for three months and thereafter he will be confirmed in the post if his services were approved and that the Standing Orders, whether read alone, or together with the letter of appointment, clearly indicate that the Company had the right to extend the period of probation and there was no automatic confirmation on the expiry of the period of three months and further that the Company had the discretion to confirm or terminate the services, depending on the approval or non-approval of the service.

13. On the language of the Standing Orders, no other view is possible except that Sri Mishra became a permanent workman on September, 1, 1972. He was appointed as an overman on probation for a period of three months. He joined the post on June 1, 1972; and that being so, the three months period of probation would end on August 31, 1972. His probation was undoubtedly extended by another six months on January 11, 1973 with retrospective effect from September 1, 1972 and this extended period of probation expired on February 28, 1973. The extension of the probationary period for a period of one month more was made on March 27 and this ended on March 31, and his services were terminated on April 1, 1973. Under the Standing Orders, a probationer is one who is provisionally employed to fill a permanent vacancy and has not completed three months service in that post. The question is as to what meaning can be attached to this Standing Order No. 1(h). It appears to me that the meaning is quite plain, namely, that the period of probation prescribed by the Standing Order is three months and no more. A workman will continue to be a probationer so long as he does not complete three months service in the post on which he has been appointed. The moment he completes the period of three months, he automatically goes out of the category of a probationer. There is no provision in the Stand. Orders for extension of the period of probation. It

follows that immediately upon the completion of three months service, the employer has one course open to him, namely to terminate the service of the probationer if his work and conduct had not been found satisfactory during the three months period of probation; and if he does not do so, there would be automatic confirmation and thereafter if he wants to terminate his service, he can do so only for an act which amounts to misconduct under the Standing Orders and that also after a regular domestic enquiry. The definition of "permanent workman" under Standing No. 1 (g) does not improve the situation. The definition consists of two parts, i.e., a workman will be a "permanent workman" if he had been engaged on a permanent basis and by the insertion of the word "includes" in the definition, a workman will also be a "permanent workman" if he has satisfactorily completed a probationary period of three months. The meaning of this is quite clear that if the work and conduct of the workman is not held to be satisfactory immediately on the completion of the probationary period of three months, the decision to that effect cannot be taken thereafter. What I mean to say is that if an order of termination is not passed immediately after the completion of the probationary period of three months, it would no longer be open to the employer to terminate his service on the ground that his work and conduct had not been satisfactory. In the instant case, after the expiry of the probationary period of three months on August 31, the Company kept silent till January 11, 1973 and then came to a decision that the work and conduct of Shri Mishra had not been satisfactory between the period June 1 to August 31, 1972, which the Company had no power to do. Likewise the Company had no power to decide on March 27 that the work and conduct of Shri Mishra had been unsatisfactory between September 1, 1972 to March 31, 1973. I say so because of the reason that the Company had no power to extend the period of probation. It is true that the letter of appointment which may be considered to be a special agreement, seems to confer such a power, but it is well-settled that a special agreement cannot be allowed to over-ride statutory standing orders. It is elementary law that a contract can be made in violation of law. The Supreme Court observed in *Western India Match Company Ltd. Vs. Workmen*, 27 F.L.R. 288 that :

"The terms of employment specified in the Standing Order would prevail over the corresponding terms in the contract of service in existence on the enforcement of the Standing Order. It was in effect so held in the *Agra Electric Supply Co. Ltd. vs. Shri Alladin*, (1970) 1 S.C.R. 808, *Avery India Ltd. vs. Second Industrial Tribunal*, A.I.R. 1972 S.C. 1626 and the *United provinces Electric Supply Co. Limited Allahabad vs. Their Workmen*, (1972) 2 S.C.R. 54". In *Salem Erode Electricity Distribution Company Ltd., vs. Salem Erode Electricity Distribution Co. Ltd. Employee's Union*, 12 F.L.R. 205, the Supreme Court said :

"If a prior agreement, inconsistent with the Standing Orders will not survive, an agreement posterior to and inconsistent with the Standing Order should also not prevail. Again, as the employer cannot enforce two sets of Standing Orders governing the classification of workmen, it is also not open to him to enforce simultaneously the Standing Orders regulating the classification of workmen and a special agreement between him and an individual workman setting his categorisation."

14. In *Western India Match Company Ltd. vs. Workmen*, cited above, the Standing Order said that a probationer is a workman "who is provisionally employed to fill a permanent vacancy and has not completed two months service." Their Lordships of the Supreme Court construed this as meaning that a workman stood automatically confirmed on the completion of two months period of probation. It was further observed that the special agreement, in so far as it provides for additional four months of probation, is an act in contravention of the Standing Order and it plainly follows that the inconsistent part of the special agreement cannot prevail over the Standing Order; and as long as the Standing Order is in force, it is binding on the Company as well as the workmen. In the management of *Dekeral Tea Estate vs. Presiding Officer, Labour Court*, 29 F.L.R. 346, the Standing Orders said that a probationer is 'a workman' who is provisionally employed to fill a permanent vacancy post and has not completed six months service therein. The Full Bench of the Assam High Court interpreted the Standing Order to the effect that on the completion of the

probationary period of six months, it cannot but be held that the workman was a permanent worker. It was observed that :

"Since neither in the appointment letter nor in the Standing Orders any provision for extension of six months period of probation exists and since the subsequent special agreement between employer and the workmen cannot over-ride the Standing Orders, it is quite permissible to draw the inference that the respondent No. 2 who was allowed to continue in the post on completion of the period of probation of six months has been confirmed in the post by implication or he has become a permanent employee, even though there is no specific order of confirmation."

In *Claud Fernandes vs. G. Binny Co. Ltd.* 25 F.L.R. 163, a Full Bench of the Kerala High Court had to interpret the Standing Order which said that a probationer "is one who is provisionally employed to fill a permanent vacancy and has not completed the probationary period of service fixed by the Company." The Company fixed the probationary period as 12 months. It was held that looking at the definition of the word "probationer" it might be difficult to say that the workman was a probationer after the expiry of the maximum period of probation fixed by the Company, namely, 12 months. It was further observed that there was no provision in the Standing Order for extension of the period of probation. It was further observed that if the workman had completed the maximum probationary period fixed by the Company, namely, 12 months, no other implication might be possible than that the workman must be deemed to have been confirmed. In *State of Punjab vs. Dharam Singh*, 17 F.L.R. 9, the Supreme Court held that immediately upon completion of the extended period of probation (and there was a provision for extension upto a maximum period of three years) the appointing authority could dispense with the service of the workmen if their work or conduct during the period of probation was in the opinion of the authority unsatisfactory. Instead of dispensing with their services on completion of the extended period of probation, the authority continued them in their posts and allowed them to draw increments and, therefore, though the appointing authority did not pass formal orders of confirmation in writing, it should be presumed to have passed the order of confirmation by so allowing them to continue in their posts and after such confirmation their services could not be dispensed with on the ground that their work or conduct during the period of probation was unsatisfactory. There is no doubt, in my mind, therefore, that Shri Mishra had become permanent on September 1, 1972 and thereafter the Company had no power either to extend his probation or to terminate his service except on proof of misconduct, if there was any, and after a proper domestic enquiry, which was not held; and indeed, it is not even the case that there was any misconduct on the part of Shri Mishra. Shri Ram Swrath Roy, MW-1 certainly stated that the appointment of Shri Mishra was against a temporary post but that is not in the pleading and indeed had he been appointed temporarily against a purely temporary post he would have been classified as a temporary workman under Standing Order No. 1(f) read with Standing Order No. 1(j). Shri Mishra was classified as a probationer and, therefore, it must mean he was appointed provisionally on a permanent post as a probationer.

15. In view of my finding above, it is not necessary to go into the question whether in fact and reality, the work and conduct of Shri Mishra during his period of probation June 1, to August 31, 1972 was satisfactory or unsatisfactory. Ordinarily, a management is competent to assess the work of its employee and a Tribunal will not interfere with such assessment but it must be established in the Tribunal also that the power of terminating the service for the reason of unsatisfactory work and conduct, was exercised in a bonafide and not in an arbitrary or capricious manner. In *Claud Fernandes's case* *Supra*, it was impliedly held that evidence has to be adduced before the Tribunal to prove that the work and conduct of the workman was unsatisfactory. In *Management of Utakal Machinery Ltd. vs. Workman*, 12 F.I.R. 45, where such a question arose, their Lordships of the Supreme Court observed thus :

"Even before the Labour Court there was no evidence adduced on behalf of the management to show that the work of the respondent was unsatisfactory. Two witnesses

were examined on behalf of the management but neither uttered a word about it. Neither the Deputy General Manager nor the Joint General Manager was examined in support of the allegation. There was also no document produced on behalf of the management to illustrate the unsatisfactory work of the respondent." It is plain, therefore, that when a question arises whether work and conduct has been satisfactory or not, that question has to be decided on the basis of evidence led before the Tribunal. In the instant case, not a document is forthcoming to show in what manner was the work and conduct of Shri Mishra unsatisfactory during the period June 1 to August 31, 1972. If his work and conduct was unsatisfactory during the said period, there should be some document to show that the unsatisfactory nature of his work was pointed out to him. Reliance has been placed on the two letters Ext. M-2 and M-3 but they came into existence long after Shri Mishra had stood confirmed under the Standing Orders and these documents can have no relevancy. The Chief Mining Engineer was not examined. The Agent of the Mine or the Manager of the Mine or any other superior officer was not examined to prove that Shri Mishra's work and conduct was unsatisfactory during the said period. Ram Swrath Roy has certainly stated that his work and conduct was unsatisfactory but that evidence is of no value whatsoever. Shri Roy is only a clerk in the Personnel Department. He can have no personal knowledge regarding the work and conduct of Shri Mishra. He was not the Officer who had supervision over Shri Mishra during the period of probation. I will, therefore, not attach any significance to his statement. It appears to me that the order passed by the Company was arbitrary, capricious and malafide.

16. The last question is as to what relief should be given to Shri Mishra. He did not appear before me to explain his point of view. The evidence of Roy shows that after 4 or 5 months of the termination of service, Shri Mishra was able to get an appointment in the Eastern Coalfields Limited as an Assistant Manager of a Mine on a salary exceeding Rs. 500/- per month. This will show that he was idle for 4 or 5 months. There is no question of his re-instatement as an Overman now that he is holding a higher post on a higher salary and in a superior grade. He must, however, be compensated for the period of his non-employment occasioned by the wrongful termination of his service. He must be awarded, therefore, full back wages, bonus and allowances for a period of 5 months commencing from April 1, 1973 and ending on August 31, 1973.

17. My award is that Shri Mishra shall not be re-instated but he shall get his salary, bonus and other allowances as an Overman during the period April 1, 1973 to August 31, 1973.

K. B. SRIVASTAVA, Presiding Officer.
[No. L-2012(8)/74-LR. II/D. III(A)]

S.O. 3520.—In pursuance of section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the following award of the Central Government Industrial Tribunal (No. 2), Dhanbad in the industrial dispute between the employers in relation to the management of Lodna Colliery of Messrs Bharat Coking Coal Limited, Post Office Jharia, District Dhanbad and their workmen, which was received by the Central Government on the 14th September, 1976.

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL
TRIBUNAL (NO. 2) AT DHANBAD

Reference No. 37 of 1975

In the matter of an industrial dispute under Section 10(1)(d) of the Industrial Disputes Act, 1947.

(Ministry's Order No. L-20012/91/74-LRII/D IIIA Dt. 5-4-75)

PARTIES :

Employers in relation to the management of Lodna Colliery of M/s. Bharat Coking Coal Limited, P.O. Jharia, District Dhanbad.

AND

Their workmen.

APPEARANCES :

On behalf of the Employers.—Shri T. P. Choudhury, Advocate.

On behalf of the Workmen.—Shri S. Pal, Advocate.

STATE : Bihar.

INDUSTRY : Coal.

Dhanbad, the 2nd September, 1976

AWARD

The Government of India, Ministry of Labour sent the above reference to this Tribunal for adjudication of the industrial dispute involved with the following schedule of issues :

- (1) Having regard to the nature of duties performed by Shri Naresh Chandra Dutta, an employee of the Lodna Colliery of Messrs Bharat Coking Coal Limited, Post Office Jharia, District Dhanbad, all along, whether the action of the management in designating the said employee as 'Sanitary Peon' and allowing him the scale of pay of Rs. 140-3-178, is justified? If not, to what relief is the said employee entitled and from what date?

The case of the workmen in short is that the concerned workman Shri N. C. Dutta was appointed as a Sanitary Sirdar in Lodna Colliery in 1944. Some time thereafter he was promoted and designated as Lethane Supervisor in which capacity he worked up to 1961. The erstwhile sanitary Inspector Shri B. B. Deo retired in 1961 and the concerned workman was entrusted with the job of Sanitary Supervisor-cum-Inspector and since then he has been performing the duties of Sanitary Inspector. The duties which he has been performing as Sanitary Inspector have been detailed in the written statement. The authorities after the take over made a re-categorisation and changed his designation from Lethane Supervisor to Sanitary Chaparasi most arbitrarily though the concerned workman had been performing the duties of a Sanitary Inspector. The concerned workman made several representations to the authorities in respect of his proper categorisation and fixation of pay but to no effect. There is no nomenclature like Sanitary Chaparasi or Sanitary Peon under Coal Wage Board Recommendations. The dispute went to the Assistant Labour Commissioner for conciliation but that too failed. It is submitted that the concerned workman, deserves the designation of a Sanitary Inspector in the scale of wage as per Wage Board recommendations and it is prayed that the management be directed to place Shri Dutta in a pay scale of Sanitary Inspector after designating him as such.

2. The employers the Bharat Coking Coal Limited in their written statement denies allegation of workmen that the concerned workman was performing the duties of a Sanitary Inspector. He was an old employee of Lodna Colliery and at the time of take over of the management his designation was shown as a Lethane Supervisor on record. He used to get salary monthly, at the rate of wages equivalent to category II scale of the Wage Board recommendations. Before the take over the concerned workman was doing the work of oil spray mazdoor for anti malaria operations and so getting the work of oil spray mazdoors. At the time of re-categorisation, designation of Shri Dutta was found, misleading and incorrect, and the management revised his designation from Lethane Supervisor to Sanitary Chaparasi and it is in keeping with duties performed by him.

3. Admittedly the concerned workman joined Lodna Colliery in 1944 when his designation was either Sweeper Sirdar or Sanitary Sirdar. According to the concerned workman, a few months thereafter he was designated as Lethane Supervisor in connection with anti malaria operations. Admittedly though the concerned workman was designated as Lethane Supervisor he was not given any better pay or scale of pay than a Sweeper Sirdar or Sanitary Sirdar. The employers

also admit that at the time of take over of the management of the colliery in 1971, Shri Dutta was shown as Lethane Supervisor in the scale of pay of category II of the Wage Board recommendations. The claim of the concerned workman is that since about 1944 he had been performing the functions of a Sanitary Inspector. It may be seen what duties he was actually performing in pre-take over period and if those functions can be equated with the functions of a Sanitary Inspector. There is no satisfactory evidence before me that in course of his service career of about 27 years before the take over the concerned workman had ever made any serious effort to get him designated as Sanitary Inspector or get him fixed in the pay scale of Sanitary Inspector. The period of his service before the take over can be taken to be one era and the period of his service since the take over may be taken to be another era. So far as first era is concerned it can very well be said that it was, so to say, a blank era for him inasmuch as he was neither designated as Sanitary Inspector nor put in the scale of Sanitary Inspector. The liability of the Bharat Coking Coal Limited may start since take over of the colliery by the Government. The question that now comes is whether the claim of the concerned workman for being designated as a Sanitary Inspector or being fixed in the scale of Sanitary Inspector can be entertained. What is basis of this claim? The basis is, as alleged by workmen, that he has been performing the duties of Sanitary Inspector even after the take over of the Colliery. The alleged functions of the concerned workman as a Sanitary Inspector since 1944 and beyond the take over in 1971 cannot be said to be a continuous line. The reason is that his function as a Sanitary Inspector and his emolument as such in the pre-take over period has not been satisfactorily established. So the alleged line can be said to start since take over of the colliery. What materials the workmen have been able to produce before this Tribunal are matters worth considering. For this I may look to the pleading of the workmen. His function as detailed in the written statement of the workmen are (1) vaccination (2) inoculation (3) work distribution to the staff (4) maintenance and marking of attendance of staff of sanitary department (5) supervision and inspection of sanitary work (6) submission of inspection report to the Manager and Doctor of the colliery (7) maintenance of stores (8) correspondence with Jharia Mines Board of Health concerning sanitary matters. It now remains to be seen what materials he has placed before this Tribunal in proof of the alleged functions performed by him as Sanitary Inspector. As to that, the material are too poor to make any effective headway in respect of his alleged case. Not a single paper has been filed by him in this respect nor a single witness on the above points has been examined by him. In this connection his evidence before this Tribunal may be looked into. He has taken an analogy from the state of affairs obtaining in Jharia Mines Board of Health. He says that in the Jharia Mines Board of Health there is one Sanitary Inspector and one Assistant Sanitary Inspector. He also says that in the above Mines Board it is necessary that a candidate for Sanitary Inspectors must be Matriculate, must have underground training and must have passed the Sanitary Inspectorship Examination. As to his qualification, the concerned workman states that he is not a Matriculate, that he received no training about the sanitary inspectorship in any institution. As to whether he had underground training, there is no evidence. So if the concerned workman wants the post of a Sanitary Inspector on the analogy of the Sanitary Inspector working in the Jharia Mines Board of Health, it is apparent that he falls far short in respect of his educational qualification and training in Sanitary Inspectorship. So in my view the analogy of the Jharia Mines Board of Health is a misfit so far as his claim for sanitary inspectorship is concerned. That analogy apart, the question may be approached from another angle as well. Let us take the concerned workman at his face value. He says that he has performed the functions of a Sanitary Inspector. Since the post of Sanitary Inspector is a supervisory one carrying better pay and scale of pay, it can be supposed that there are certain duties specified for a Sanitary Inspector. What are those duties pertaining to the work of a Sanitary Inspector. The concerned workman by himself or by anybody else or even by some papers does not give out what really are the functions of Sanitary Inspector and that performing such functions he can be designated as Sanitary Inspector with higher pay attached to it. Unless I have before me what are the functions of a Sanitary Inspector proper, how can I fit him in on comparison with the functions performed by him and

the functions performed or to be performed by a Sanitary Inspector proper. This is a very clear reason; what are the duties of a Sanitary Inspector with higher pay attached to it. If you can prove that you are performing such specified functions of a Sanitary Inspector, you win, or else you lose. Unfortunately, however the concerned workman does not appear to have gone that way. The way he has gone is that he has been performing the duties of Sanitary Inspector without getting the pay for it. Surely he may have a good case if he actually performed the recognised duties of a Sanitary Inspector without getting the pay for the same. Even at the cost of reiteration I may say that he has not brought sufficient proof even in respect of the functions which he alleges to have performed in the colliery. Now having gone so far let me pause for a moment and look to the other side to the picture which may be either dark or bright. As he says he has been performing the duties of Sanitary Inspector from the year 1944, Ext. M 2 is a document of pre-take over and pre-nationalisation days maintained by the previous management, the authenticity of which has not been challenged by Shri Dutta nor there is any scope to challenge. I may state, here, how he has been described in this attendance register kept under the Payment of Wages Act. For the week ending 12-4-69 to 19-4-69 his designation has been shown as S/Sirdar. It goes all along and in subsequent periods i.e. till the end of year 1969 the concerned workman has been continuously shown designated as S/Sirdar. In his evidence however the concerned workman says that S/Sirdar stands for Sanitary Sirdar but the management says that S/Sirdar stands for Sweeper Sirdar. What I mean to say is that the dispute whether Sanitary Sirdar or Sweeper Sirdar is not a great thing for our purpose. The thing which is indicated by the above entry in the Attendance Register is that he has never been shown as a Sanitary Inspector or Sanitary Supervisor. In the wagesheets Ext. M 4 he has been described as Sanitary Chaparasi and getting pay like that. In this context I may refer to a certificate from the Medical Officer of Bharat Coking Coal Ltd. dispensary in which he has been stated as S/Supervisor. This certificate relates to treatment in the hospital. This single medical slip (Ext. W. 1) does not clinch the issue. He might have been described by Medical Officer as S/Supervisor in the medical memo but this designation is opposed to all available and acceptable materials on record. His own case is that he was never designated as Sanitary Inspector or Sanitary Supervisor. If that be so I do not know how the Medical Officer, of all persons, could write his designation as S/Supervisor. So I cannot attach any reliance of Ext. W 1 in support of his claim. His another stand was that he used to issue the stores requisition vouchers. The management has produced a number of such vouchers (Ext. M. 3 series) which admittedly do not bear his signature as having issued the stores requisition vouchers. MW 1 Shri S. A. R. Rizvi is Personnel Officer at Lodna who joined Lodna as Welfare Officer, Training, in the year 1964 and he became Welfare Officer in 1968 and he continued as such in Lodna Colliery till 1974. So he is an officer who is associated with this colliery as Officer from before take over. His evidence is that the concerned workman was working as a Sweeper Sirdar under the Welfare Department of which he was the head. His further evidence is that three or four persons worked under Sweeper Sirdar as each of them was given some sweepers and some area of performance of their duties. He categorically denies that the concerned workmen was working as an Sanitary Inspector. He denies that the concerned workman was writing attendance register of the sweepers or he was distributing the work to all colliery sweepers or he was writing inspection report, as the concerned workman could hardly write his name. It is further in his evidence that he was not maintaining stores or making correspondence with Jharia Mines Board. MW 1 was personally verifying the duties performed by the concerned workman and other like him. So we have before us the evidence of responsible officer who was connected with the welfare department under whom the concerned workman was working. The evidence of this MW 1 is quite in keeping with the facts and circumstances and materials on record. The evidence of MW 1 is since 1961, after Shri Deo, nobody has been appointed as Sanitary Inspector in the colliery. It is submitted by the learned Advocate representing the employers with reference to Wage Board recommendations that there is no post like Sanitary Inspector or Sanitary Supervisor in the Wage Board recommendations with any scale of pay fixed. It appears to be so. The case of the concerned workman is that in some neighbouring collieries of Bharat Coking Coal Limited there are some persons who are per-

forming the same duties as he and they have been designated as Sanitary Inspectors with the proper scale of pay. Unfortunately the workman have not examined any of them, so that the Tribunal may compare the nature of their duties with nature of duties performed by the concerned workman as also their respective scale of pay. In his evidence the concerned workman said that he would be examining one Shri Sambhu Singh of Jealgora Colliery but this Sambhu Singh was not actually examined. Ultimately the facts boil down to this: the workmen have failed to prove their case that the concerned workman has been performing the duties of Sanitary Inspector either right from the beginning or since the take over. It was the claim of the concerned workman and it was for him to substantiate this claim by satisfactory materials, which, they have failed to do. As such the claim of the workmen in the written statement that he should be designated as Sanitary Inspector with the scale of pay attached to that post cannot be entertained having not been proved. A question may arise how the employers designated him as S/Sirdar and then as Sweeper Peon when it appears no such designation is there in the Wage Board recommendations. The case of the employers is that the designation of Lethane Supervisor which the concerned workman was holding at the time of take over was a misnomer inasmuch as such a designation has ceased to exist with the abolition of anti-malaria activity of the company. So after the take over when there was recategorisation, the concerned workman was designated as such taking into consideration the duties which he was performing and he was putting in grade H. The question is not so much important for our purpose as the question of the concerned workman claiming to be designated as Sanitary Supervisor with proper scale of pay. He does not want the designation of Lethane Supervisor or any another designation but what he wants is the designation of Sanitary Inspector and Sanitary Inspector alone. In view of the respective cases of the parties, the real question for determination is whether the workman could succeed in getting his designation as Sanitary Inspector with the scale attached to it or not, no matter what other designation the employers has bestowed upon him according to his nature of work. It may be there is no post of Sanitary Chaparasi or Sanitary Peon in the Wage Board recommendations but in view of the nature of duties performed by him he has to be fitted in somewhere commensurate with his qualification and nature of duties, and the employers have done it. At any rate his claim for being designated as Sanitary Inspector with higher pay cannot be allowed.

4. In the result, I find that the action of the management having regard to the nature of duties performed by Shri Naresh Chandra Dutta, an employee of the Lodna Colliery of Messers Bharat Coking Coal Limited, Post Office Jharia, District Dhanbad, all along, in designating the said employee as 'Sanitary Peon' and allowing him the scale of pay of Rs. 140-3-178, is justified. He is entitled to no relief.

This is my award.

K. K. SARKAR, Presiding Officer
[No. L-2012/91/74-LRII/D.III-A]

S.O. 3521.—In pursuance of section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the following award of the Central Government Industrial Tribunal No. 1, Dhanbad, in the industrial dispute between the employers in relation to the management of Collieries of Area No. 6, under Coal Mines Authority Limited, Post Office Nirsachatti, District Dhanbad and their workmen, which was received by the Central Government on the 10th September, 1976.

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL NO. 1 AT DHANBAD.

In the matter of a reference under Section 10(1)(d) of the Industrial Disputes Act, 1947

Reference No. 1 of 1975

(Ministry's Order No. L-2012/162/73-LRII, dated, 2-1-1975)

PARTIES :

Employers in relation to the management of the collieries of Area No. 6 under the Coal Mines Authority Limited, Post Office Nirsachatti, Distt. Dhanbad.

AND

Their Workmen.

APPEARANCES :

For the Employers—Shri T. P. Choudhury, Advocate.

For the Workmen—None.

State : Bihar.

Industry : Coal.

Dhanbad, the 6th September, 1976

AWARD

The Central Government, in exercise of the powers conferred by clause (d) of sub-section (1) of section 10 of the Industrial Disputes Act, 1947 has referred the following dispute for adjudication to this Tribunal :

"Whether the claim of the Union namely Bihar Colliery Kamgar Union for payment of variable Dearness Allowance as per attendance to the workmen of the collieries of Area No. 6 under the Coal Mines Authority Limited, Post Office Nirsachatti, District Dhanbad as per recommendations of the Wage Board in Coal Mining Industry is justified? If so, to what relief are the workmen entitled and from what date?"

2. Usual notices were issued to both parties by post on April 20, 1976 for filing their written statements within 14 days but none of the parties appeared and, therefore, the case was taken up on May 15, 1976. On that date, notices by registered post were sent to both parties for filing their documents on June 28, 1976. These registered notices were served on both of them and the acknowledgements were also received back after service. On June 28, 1976 the Eastern Coalfields Limited (successor-in-title of the Coal Mines Authorities, Ltd.) filed their written statement but the President of the Union remained absent and no written statement was received even through post. On June 28, the case was adjourned to August 6, 1976 and registered notice was again sent to the President for appearance on August 6, 1976 and for filing written statement, rejoinder and documents. The registered notice was again served on him and the acknowledgement was also received back. On August 6 again, the union remained absent and another registered notice was sent for appearance on September 6, 1976 and it was made clear that in case of non-appearance, the reference will be taken up and decided ex-parte. This registered notice was also served and the acknowledgement was also received back after service.

3. On September 6, 1976 the Eastern Coalfields Limited examined Shri B. S. Verma, Senior Personnel Officer, as MW-1.

4. The dispute raised by the Union is that they are entitled to payment of Variable Dearness Allowance on the basis of attendance of workmen in accordance with the recommendations of the Wage Board for Coal Mining Industry. The recommendations of the Wage Board were approved in certain respects by the Government of India by its Resolution No. WB-16(5)/66 dated July 21, 1967. One of the recommendations approved related to payment of Dearness Allowance. In Paragraph 23, Chapter VII of the Report of the Central Wage Board for the Coal Mining Industry, it is mentioned that the new basic wage of the workmen would comprise the present basic wage, the Dearness Allowance, the Variable Dearness Allowance up to date and two interim wage increases recommended by the Board. In Paragraph 27 of the same Chapter, the following occurs :

"After an anxious consideration of the matter, and for the reason stated above, the Board is unanimously of the opinion that the formula for compensating the increases in the cost of living index beyond Index No. 166 shall be as follows :

'For every point's rise over the index number 166, to which our wage structure is linked, the variable dearness allowance shall be 3 paise per day. The method of calculation of the index shall be on the basis of the average of six months; i.e. from January to June and July to December in each year and the adjustments will be made on 1st October, and 1st April each year respectively as at present. If there are fractions in the average, the next higher integer will be taken'."

5. The burden to prove that the variable dearness allowance, as above recommended by the Wage Board, and as approved by the Government of India, was not paid to the workmen of the concerned colliery, lay on the workmen themselves. No one, however, appeared on behalf of them to discharge this burden and to show to the Tribunal that payments have not been made in accordance with these recommendations. On the other hand, the Eastern Coalfields Limited examined MW-1 Shri B. S. Verma who has deposed that the Wage Board Recommendations have been fully complied with; payments have been made in accordance with them, and there has been no default in that regard. I am of the view, therefore, that workmen are being paid in accordance with the Wage Board Recommendations and they are not entitled to any relief.

6. My award is that the Eastern Coalfields Limited are paying variable dearness allowance to their workmen in accordance with the recommendations of the Wage Board for Coal Mining Industry and the workmen are not entitled to any relief in this regard.

K. B. SRIVASTAVA, Presiding Officer

[No. L-2012/162/73-LRII]

S. H. S. IYER, Desk Officer

New Delhi, the 17th September, 1976

S.O. 3522.—In pursuance of section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the following award of the Central Government Industrial Tribunal Dhanbad, in the industrial dispute between the employers in relations to the management of M/s. N.P. Shorai, Contractors of Chiriburu Quartzite Mine of M/s. Orissa Cement Ltd. and their workmen which was received by the Central Government on the 7th September, 1976.

कार्यालय केन्द्रीय सरकार, औद्योगिक न्यायाधिकरण संख्या-1, धनबाद

प्रतिप्रेषण संख्या 5 सन् 1974

(श्रम मंत्रालय की आदेश संख्या : एल-29011(3)/74-एल-आर-4, दिनांक 10 मई सन् 1974)

पक्ष : प्रबन्धक, मेसर्स एन० पी० शराफ, कन्दूबट्टर, चिरिबुरु कार्टाइट माइन ब्राक उड़ीसा सिमेंट लिमिटेड, डाकघर लोटापहाड़, जिला सिंहभूमि (बिहार)

बनाम

उनके श्रमिक।

प्रस्तुत : श्री जस्टीस कुंज बिहारी श्रीवास्तव (अवकाश प्राप्त) पीठासीन पदाधिकारी।

उपस्थिति—

प्रबन्धक पक्ष से : श्री एस० सी० जैन, अधिवक्ता।

श्रमिक पक्ष से : श्री ललित वर्मन।

राज्य : बिहार। उद्योग : कार्टाइट।

धनबाद, दिनांक पहली सितम्बर सन् 1976

एवम्

भारत सरकार के श्रम मंत्रालय ने औद्योगिक विवाद अधिनियम के धारा 10, उपधारा (1)(खी) में प्राप्त शक्तियों का प्रयोग करते हुए, 10 मई सन् 1974 को निम्नलिखित विवाद इस न्यायाधिकरण के पास निर्णय हेतु भेजा है :—

(1) क्या युनाइटेड मिनेरल यार्कर्स यूनियन की मांग कि मेसर्स एन० पी० शराफ, कन्दूबट्टर, चिरिबुरु कार्टाइट माइन जो मेसर्स उड़ीसा सिमेंट लिमिटेड की है के श्रमिकों की

न्यूनतम मासिक वेतन में बढ़ौतरी की मांग उचित है अथवा नहीं ? और यदि उचित है तो इन चौकीदारों का मासिक वेतन कितना होनी चाहिए ?

- (2) क्या युनाइटेड मिनरल वर्कर्स यूनियन की यह मांग कि उत्त खान के सब श्रमिकों को गर्मी और जाड़े के मौसमों में रुफड़े दिए जायें, उचित है अथवा नहीं ? और यदि उचित है तो इन श्रमिकों को क्या सहायता दी जा सकती है ?

(2) दोनों पक्षों ने एक संयुक्त प्रार्थनापत्र 16 अगस्त सन् 1976 को प्रस्तुत किया और एक दूसरे प्रार्थना पत्र से यह प्रार्थना की कि 30 अगस्त सन् 1976 को संयुक्त प्रार्थना पत्र पर विचार किया जाय। 30 अगस्त सन् 1976 को श्री एस० सी० जैन मैसर्स एन० पी० शरीफ की ओर से श्री ललित बर्मन युनाइटेड मिनरल वर्कर्स यूनियन की ओर से उपस्थित हुए उन और लोगों ने संयुक्त प्रार्थनापत्र में दोनों पक्षों के प्रतिनिधियों के हस्ताक्षरों को पहचाना और यह कहा कि उसी संयुक्त प्रार्थना पत्र के आधार पर निर्णय दे दिया जाय।

(3) संयुक्त प्रार्थना पत्र में यह लिखा हुआ है कि मैसर्स एन० पी० शरीफ ने अपने कान्ट्रेक्ट का काम 28 जून सन् 1974 को बंद कर दिया और उस तारीख से कान्ट्रेक्टर नहीं रहे। यह भी लिखा हुआ है कि युनाइटेड मिनरल वर्कर्स यूनियन और मैसर्स एन० पी० शरीफ में आपस में जो भी विवाद थे उनका फैसला खुद ही कर लिया है। अतः दोनों पक्षों में से कोई भी पक्ष अन्य प्रतिप्रेषण का निर्णय नहीं चाहते।

(4) मैं यह अर्थात् देता हूँ कि दोनों पक्षों ने आपसी समझौता कर लिया है और अपने सब विवादों का फैसला स्वयं कर लिया है अतः अब किसी एवार्ड को देने की आवश्यकता नहीं है। आपसी समझौता एनेक्सचर-ए है जो इस एवार्ड का एक अंग रहेगा।

ANNEXURE 'A'

BEFORE THE INDUSTRIAL TRIBUNAL (CENTRAL)
NQ. 1-CUM LABOUR COURT, DHANBAD

In the matter on Industrial Dispute under the Government of India (Ministry of Labour), order of reference No. L-29011(3)/74/LR(IV), dated 10-5-1974, Reference No. 5 of 1974.

BETWEEN

Management of M/s. N. P. Sharaf, Contractors of Chiriburu Quartzite mines of M/s. Orissa Cement Ltd., P.O. Lotapahar, Dist. Singhbhum.

AND

Their Workmen

The Humble Joint Petition of the parties above named. Most Respectfully sheweth :—

(1) That the above reference is pending adjudication before this Hon'ble Tribunal.

(2) That M/s. N. P. Sharaf closed down their undertaking with effect from 28-6-1974 and as such ceased to be contractors of Chiriburu Quartzite Mines of M/s. Orissa Cement Ltd., Dist-Singhbhum, on and from 28-6-1974.

(3) That all the outstanding disputes between the workmen and their present employers have been settled amicably and mutually out of court.

(4) That in view of the facts stated in para 2 and 3 above, the parties do not wish to proceed any further in the matter.

In these circumstances it is humbly prayed that your Honour may kindly be pleased to dispose off the reference by making a "No dispute award".

And for the act of kindness, your petitioners are in duty bound shall ever pray.

for M/s. N. P. SHARAF,

S/D. Illegible
(Partner)

for UNITED MINERAL WORKERS UNION,
REPRESENTING WORKMEN CONCERNED
IN THE REFERENCE.

Sd/- Illegible
(Secretary)
S. K. RAO.

Dhanbad, dated the 16th August, 1976

कुंज बिहारी श्रीवास्तव, पीठासीन पदाधिकारी

[No. L-29011/3/74-LRIV/DIII (B)]

V. VELAYUDHAN, Under Secy.

